URBAN/MUNICIPAL
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1993

Agendas / Minutes Of The Planning And Development Committee

April 21, 1993 -

URBAN/MUNICIPAL
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CS1P4
1993

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1993 April 15

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICI.
APR = 1993
GOVERNMENT DOCUMENTS

Wednesday, 1993 April 21
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA:

1. **CONSENT AGENDA**

2. **DIRECTOR OF PROPERTY AND COMMISSIONER OF PLANNING AND DEVELOPMENT (Information)**

   Alpha East Residential Enclave - Purchase of Lands: 48 Imperial Avenue

3. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

   - Rental Housing Protection Act Application CD-92-002, for property located at No. 293 Limeridge Road West.

PUBLIC MEETINGS

10:30 O'CLOCK A.M.

4. Proposed Draft Plan of Subdivision 25T-92010, Proposed Waiver of a Feasibility Study and Impact Analysis, and Zoning Application 91-60, R. V. Kemp (In Trust), owner, for a change in zoning from "AA" District to "C" District, for lands located on the west side of Mount Albion Road, in the area north of Albright Road; Red Hill Neighbourhood.

   (a) Submission: Frank Baldassari, 151 Mount Albion Road, Hamilton

   (b) Submission: V. Janine Denton, 140 Mount Albion Road, Hamilton

5. Zoning Application 93-05, Maria Miceli, owner, for a change in zoning from "B" District to "C" District, for property located at No. 667 Rymal Road West; Carpenter Neighbourhood.

6. Zoning Application 93-07, P.X. Dermody Funeral Homes, prospective owner, for a modification to the established "H" District regulations, for property located at No. 796 Upper Gage Avenue; Macassa Neighbourhood.

10:45 O'CLOCK A.M.

7. Zoning Application 93-01, Adorn Investments Limited and Valerie Fine, Trustee (Midas Bowling Lanes Ltd.), owners, for changes in zoning from "AA" District to "R-4" District (Block "1"), "RT-30" District (Block "2") and "H" District (Block "3"), and from "R-4" District to "RT-30" District (Block "4"), for lands located at the rear of No. 1011 Queenston Road; Riverdale East Neighbourhood.

8. **OTHER BUSINESS**

9. **ADJOURNMENT.**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

Item No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	C.I. 90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee
3.	Site Plan Enforcement Procedures	1991 January 23	Building, Regional Engineering, and Planning	Report back on alternative proposals
4.	Conditions of Conversions - Separate Utility Controls	1991 June 19	Building	Report Pending
5.	Site Plan Control Application DA-91-50 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
6.	ZA-91-12 - 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
7.	ZA-92-03 - 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
8.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
9.	Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots	1993 February 3	Alderman H. Merling	Tabled to allow previous Sub-Committee to review matter
10.	Revitalization of Barton	1993 February 3	Mayor R. M. Morrow	Various Departments to report back on Mayor's Request
11.	Go Transit Centre - 36 Hunter Street Consultant Study	1993 March 3	Finance & Administration Committee	Referred to Finance & Administration Committee for method of financing

Item No.	Item	Original Date	Action	Status
12.	Building Permit Fees and Development Charges	1993 March 24	Building	Building Department to review and report back
13.	Condominium Conversion - 293 Limeridge Road West	1993 March 24	Ward Aldermen	Ward Aldermen to contact residents
14.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
15.	Alpha East Enclave Program - Bob Jugovic	1993 April 7	Property	Staff to prepare a detailed report on the program
16.	ZA-91-59 - 295 Severn Street	1993 April 7	Planning	Staff to provide a pictorial of the site

Tina Agnello, Secretary
1993 April 14

1.

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1993 APRIL 21

CONSENT AGENDA

URBAN MUNICI
APR 1993
GOVERNMENT DOCUMENTS

A. ADOPTION OF THE MINUTES

Minutes of the Planning and Development Committee meeting held 1993 April 7.

B. BUILDING COMMISSIONER

Demolition of:

(a) 20 Chilton Place

(b) 208 Eleanor Avenue

C. SENIOR DIRECTOR, ROADS DEPARTMENT

"Claudette Gardens - Phase 3", Hamilton - Cash in Lieu of 5% Parkland Dedication

D. COMMISSIONER OF PLANNING AND DEVELOPMENT

Site Plan Application DA-92-60, Freure Management Ltd., owner of lands at 101 Broadway Avenue; Ainslie Wood East Neighbourhood

E. SECRETARY, FINANCE AND ADMINISTRATION COMMITTEE

Directory of Municipal Documents in French

F. SECRETARY, PLANNING AND DEVELOPMENT

(a) 1993 Canadian Institute of Planners Conference

(b) Information Items

A.

Wednesday, 1993 April 7
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:	Alderman F. Eisenberger, Vice-Chairperson Alderman M. Kiss Alderman Wm. McCulloch Alderman D. Wilson Alderman B. Charters Alderman F. D'Amico Alderman H. Merling
Regrets:	Mayor Robert M. Morrow (City Business) Alderman D. Drury, Chairperson (City Business)
Also Present:	Alderman T. Jackson Alderman D. Ross Paul Mallard, Planning Department Bill Janssen, Planning Department Joanne Hickey-Evans, Planning Department Willie Wong, Building Department Eugene Chajka, Roads Department Art Zuidema, Law Department Mike Watson, Property Department Kevin Nutley, Property Department Tom Bradley, Manager of Purchasing Tina Agnello, Secretary

1. CONSENT AGENDA

A. Adoption of the Minutes

The Minutes of the Planning and Development Committee meeting held 1993 March 24 were approved as circulated.

REPORTS

The Planning and Development Committee recommended to Council the recommendations of various reports in the Planning and Development Committee consent agenda as follows:

B. Manager of Purchasing

Consulting Services for Revitalization of Ferguson Avenue, dated 1993 March 22:

> That a purchase order be issued to Johnson, Sustronk, Weinstein & Associates, Richmond Hill, in the amount of $59,517.78 including all taxes, for consulting services to prepare a master plan, detailed concept plans and cost estimates for the revitalization of Ferguson Avenue, being the lowest acceptable of five proposals received in accordance with the Request for Proposal issued by the Manager of Purchasing and Vendor's submission, and be financed through Ferguson Avenue Phase IV, Downtown Action Plan, Administration Account No. CF5698 428803006.

C. BUILDING COMMISSIONER

Demolitions dated 1993 March 30:

That the Building Commissioner be authorized to issue demolition permits for:

(a) 36 Pearl Street North

(b) 623 Limeridge Road East

D. COMMISSIONER OF PLANNING AND DEVELOPMENT

a) Authorization for a Public Meeting - Closure of Cathcart Street, dated 1993 March 30:

That the Planning and Development Committee give authorization to the Planning and Development Department to hold a Public Meeting to consider an amendment to the approved Beasley Neighbourhood Plan for the requested closure of Cathcart Street.

b) Comments on Halton Draft Official Plan, dated 1993 March 30:

(a) That Council for the City of Hamilton has no objections to the policies in the draft "New Official Plan" for the Halton Region since it does not affect the planning intentions of the City of Hamilton.

(b) That the City Clerk forward City Council's decision to Halton Regional Council.

E. SECRETARY, PLANNING AND DEVELOPMENT

Information Items

As recommended in a report dated 1993 April 1, the Committee received the following reports for information purposes:

(a) Commissioner of Planning and Development: South Mountain Development - Status dated 1993 April 1.

(b) Commissioner of Planning and Development: Site Plans for approval dated 1993 March 31.

2. DELEGATION - BOB JUGOVIC

Alpha East Enclave Program - 48 Imperial Street

Mr. Stan Jugovic was present on behalf of his father to request the City to purchase a home they own on 48 Imperial Street which is located between 2 vacant lots. He felt the City should purchase it through the enclave program.

Alderman Ross and Alderman Jackson explained that it is difficult to sell homes in this area. The request is not frivolous since it is based on a program, which Council later learned had no funds. Alderman Jackson stressed that this is an isolated case.

Mike Watson advised that money has been placed in the budget for the enclave purchase in the year 2000. He advised that demolitions of homes were done by private owners and not the City.

Alderman Charters asked if others will be requesting that the City purchase their homes if the City purchases this one. Mr. Watson replied that there are 11 property owners interested in selling which would cost the City approximately one million dollars. 4 of 11 homes are owner occupied. He also advised that the resale value is low because the lots are not all adjoining.

Following discussion it was resolved that the matter be tabled to allow staff to prepare a detailed report on the Alpha East Enclave Program.

3. COMMISSIONER OF PLANNING AND DEVELOPMENT

As amended in a report dated 1993 March 25 the Committee recommended to Council as follows:

> That **approval** be given to Zoning Application 93-11, Rolanco Networking, owner, requesting removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act, to permit conversion of the existing building for a dental office having a maximum gross floor area of 95.0 m^2 (1,000 sq. ft.) on the first floor only, and one dwelling unit on the second floor only, and that the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 92-305, and Zoning District Map E-18 for presentation to City Council, for lands located at No. 860 Upper Wentworth Street, as shown on the attached map marked as Appendix "A".

4. OTHER BUSINESS

The Committee Members requested that public delegations be scheduled for 9:30 a.m. instead of 10:30 a.m. as is the present case.

The Committee recessed until 10:30 a.m. to hear public delegations.

5. Zoning Application 91-59, Leo Cascioli, owner, for a modification to the established "H" District regulations, for property located at No. 29 Severn Street; Central Neighbourhood

A submission was received by Josette Roque of 245 Severn Street, Hamilton.

Mr. Cascioli and Nicke DiFillipis, his agent, were present in support of the application.

Paul Mallard advised that the application is a request to demolish an existing building and replace it with a 4 and one half storey apartment building. Originally scheduled for February 1992, this application was postponed to allow the applicant to resolve traffic concerns which have since been resolved.

Mr. DiFillipis asked that there be no "surprises" in the site plan since detailed plans have already been submitted to the City.

To that regard, Mr. Chajka stated that the daylight triangle for access has yet to be addressed in the plans.

Alderman McCulloch did not feel that this development is compatible with the residential neighbourhood. Most homes are 2 and one half storey buildings and as such a 4 storey building is out of character. Alderman Wilson concurred and requested a pictorial of the site from staff.

Paul Mallard advised that the area is a stable residential neighbourhood. The neighbourhood section of the Planning Department is presently in the process of undertaking a review of the area.

Mr. DiFillipis advised that the building has 4 stories in order to accommodate parking. The present building can be legally converted to 10 units without parking.

Following discussion, the Committee resolved that the item be tabled to allow planning staff to prepare a pictorial of the site to be brought before the Committee within the following month.

5. Zoning Application 93-04, Highridge Developments (Hamilton) Ltd., prospective owner, for a change in zoning from "AA" District to "C" District, for lands located south of Rexford Drive and east of Ardleigh Street; Randall Neighbourhood

Paul Mallard advised that of 107 notices circulated, 12 responded in favour and none were opposed.

As recommended by the Commissioner of Planning and Development in report dated 1993 March 25 the Committee recommended to Council as follows:

> That **approval** be given to Zoning Application 93-04, Highridge Developments (Hamilton) Ltd., owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit development of the subject lands in conjunction with adjacent lands to the north for four (4) single-family dwelling lots fronting onto Rexford Drive, for property located south of Rexford Drive and east of Ardleigh Street, as shown on the attached map, marked as Appendix "B", on the following basis:
>
> (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
>
> (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38C for presentation to City Council; and
>
> (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

6. Zoning Application 92-54, Max Mintz, owner, for a modification to the "E" District regulations for Block "1", and for a further modification to the "E" District regulations for Block "2", for property located at Nos. 1854-1868 Main Street West; Ainslie Wood West Neighbourhood

Paul Mallard advised that the application is for permission to provide an additional 6 units to 281 unit apartment complex. The applicant proposes to create an additional 11 spaces to accommodate parking. In 1992 September, 2 additional units were granted and this is a request for 4 additional units. The Building Department has advised that there are a number of inconsistencies which exist regarding parking which will be addressed via site plan.

Of the notices circulated 21 replied in favour and 67 were opposed. He stated that the intent of the applicant is to convert existing storage and locker space to units and provide new storage and locker spaces elsewhere.

Max Mintz and Gary Vanderbilt of 114 Garden Street, Ancaster were present in support of the application.

The following people were present in opposition to the application:

Edith Knight of 1856 Main Street West, Apt. 303, Hamilton.
Michael Reardon of 1854 Main Street West, Apt. 703, Hamilton.
Ralph Collington of 1854 Main Street West, Hamilton.
Brain Dawson of 1868 Main Street West, Hamilton.

They voiced the following concerns:

- over the years many amenities such as the pool and waiting room have been removed to make additional apartments.
- the locker areas have been changed to accommodate new apartments and will be again relocated and made smaller.
- difficulty for elderly to access lockers.
- there is not enough parking.
- below grade apartments and windows must conform to building code.
- the present condition of the balconies, walls and paint is poor.
- there is presently 4 apartments vacant.
- parking to be free or paid.
- If proper notice was given in mailings to tenants.

With regard to basement apartments, Mr. Wong explained that the applicant must meet building code standards.

Paul Mallard advised that parking is a requirement, but whether it will be free or paid for shall be determined by the property owner. In response to a questions from Alderman Kiss he advised that notice of the meeting was circulated pursuant to the Planning Act in the same manner as all other public meetings.

Mr. Mintz advised that much money has been spent on the 30 year old apartments. Some lockers will be relocated as the same size. Mr. Vanderbilt explained that locker size will vary between 2 x 3 ft. to 5 x 6 x 8 ft. There will be 72 lockers for 77 units.

In response to a question from Alderman Wilson both Paul Mallard and Willie Wong advised that there is no regulated requirement to provide lockers.

Mr. Mintz declined Alderman Kiss's suggestion to have a meeting with the residents.

Alderman Eisenberger suggested that the residents pursue other means such as property standards to deal with concerns regarding the building, the Committee has the jurisdiction only to deal with planning matters.

As recommended by the Commissioner of Planning and Development in a report dated 1993 March 31, the Committee recommended to Council as follows:

A. That **approval** be given to amended Zoning Application 92-54, Max Mintz, owner, requesting a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for Block "1", and a further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for Block "2", to permit an additional six dwelling units, for properties known as 1854-1856 and 1868 Main Street West, shown as Blocks "1" and "2" on the attached map marked as Appendix "C", on the following basis:

(a) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:

i. Notwithstanding Section 11, a maximum of 153 dwellings units shall be permitted;

ii. Notwithstanding Section 18A(1)(a), a minimum of 160 parking spaces shall be provided and maintained on-site;

iii. Section 18A(1)(c) shall not apply; and,

iv. Subsection 18A (11) and (12) shall not apply to the southerly boundary of the rear parking area;

(b) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, as amended by By-law No. 10564, applicable to Block "2", be further modified to include the following variances as special requirements:

i. Notwithstanding Section 11, a maximum of 134 dwelling units shall be permitted;

ii. Notwithstanding Section 18A(1), a minimum of 135 parking spaces shall be provided and maintained on-site and an additional 5 required parking spaces shall be provided and maintained off-site located on Block "1"; and,

iii. Section 18A(1)(c) shall not apply.

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-4a, and that the subject lands on Zoning District Map W-51 be notated S-4a;

(d) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-51 for presentation to Council;

(e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

B. That the by-law not be forwarded for passage by Council until such time as the applicant has applied for and received approval of a Site Plan showing the existing and proposed parking layout, as well as the establishment of an access right-of-way to the parking spaces at 1854 and 1856 Main Street West exclusively for the residents of 1868 Main Street West.

*** Alderman Kiss Opposed.**

7. Zoning Application 92-44, E. Fazekas, A. Nardi and Q. Staunitzky, owners, for a modification to the established "D" District regulations, for property located at No. 280 Aberdeen Avenue; Kirkendall North Neighbourhood

Submissions were received from the following people:

(a) G. D. Edge, 282 Aberdeen Avenue, Hamilton
(b) P. Stewart, 9 Fairmont Avenue, Hamilton
(c) Victor J. Casano, 71 Elmhurst Drive, Hamilton.

E. Fazekas, A. Nardi and Q. Staunitzky were present in support of their application.

Paul Mallard advised that the applicants initially applied to the Committee of adjustment for sideyard setback. In the interim they were issued an order to comply because they have a 4 family dwelling whereas 3 units were permitted which has now been reduced to 2 units in a "D" district. 3 units are legal non conforming. Although all units exceed minimum floor area requirement the application conflicts with the Neighbourhood Plan and the Housing Intensification Policy. The front yard parking is not acceptable because it will almost eliminate landscaping. Of 220 notices circulated, 6 replied in favour and 14 were opposed.

Edward Alexander was present on behalf of the applicants and stated that the over size building is inappropriate to be used for a 2 family dwelling. The smallest apartment is 1000 sq. ft. The fourth unit has been made wheelchair accessible in order to house one of the owners mother-in-law. Both neighbouring dwellings are multiple residency.

Chuck Renaud of Platt Avenue, Hamilton opposes the application because of lack of on site parking. Mr. Alexander indicated that the on site parking can be modified.

As recommended by the Commissioner of Planning and Development in a report dated 1993 March 31 the Committee recommended to Council as follows:

That Zoning Application 92-44, Emilia Fazekas, Angelo Nardi, and Quinn Staunitzky, owners, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to legalize the existing four (4) family dwelling, for the property located at 280 Aberdeen Avenue, shown on the attached map marked as Appendix "D", be **denied** for the following reasons:

(a) It conflicts with the approved Kirkendall North Neighbourhood Plan which designates the lands "Single and Double Residential";

(b) It conflicts with the recently adopted Housing Intensification Strategy and implementing By-law, in that the additional fourth unit exceeds the maximum two (2) units to be permitted for residential conversions in a "D" District, more than 50% of the required front yard will be utilized for parking, and less than 50% of the gross area of the front yard will be used for a landscaped area; and,

(c) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

8. ADJOURNMENT.

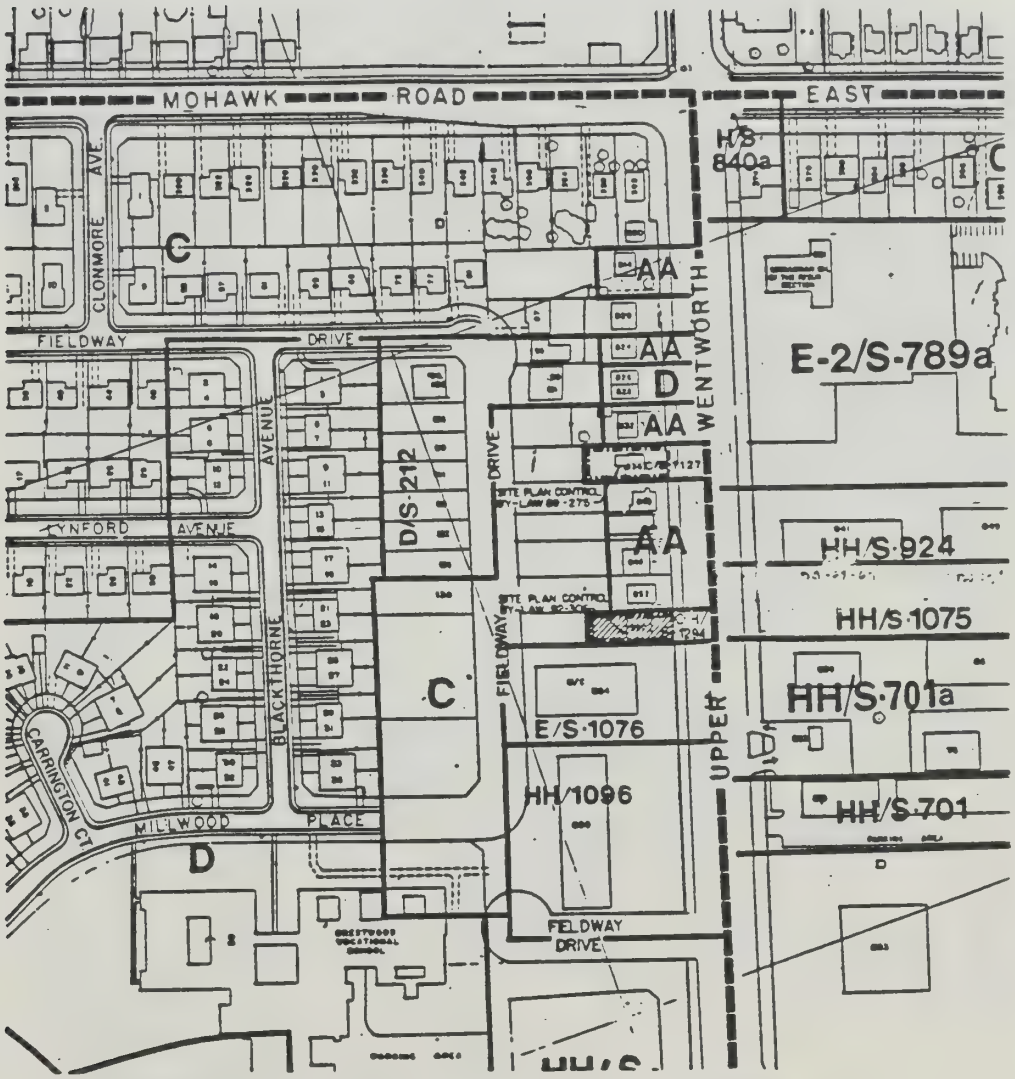
There being no further business the Committee Meeting adjourned.

TAKEN AS READ AND APPROVED,

ALDERMAN F. EISENBERGER, VICE-CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello
Secretary

Appendix "A" as referred
to in Section 3 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 April 7

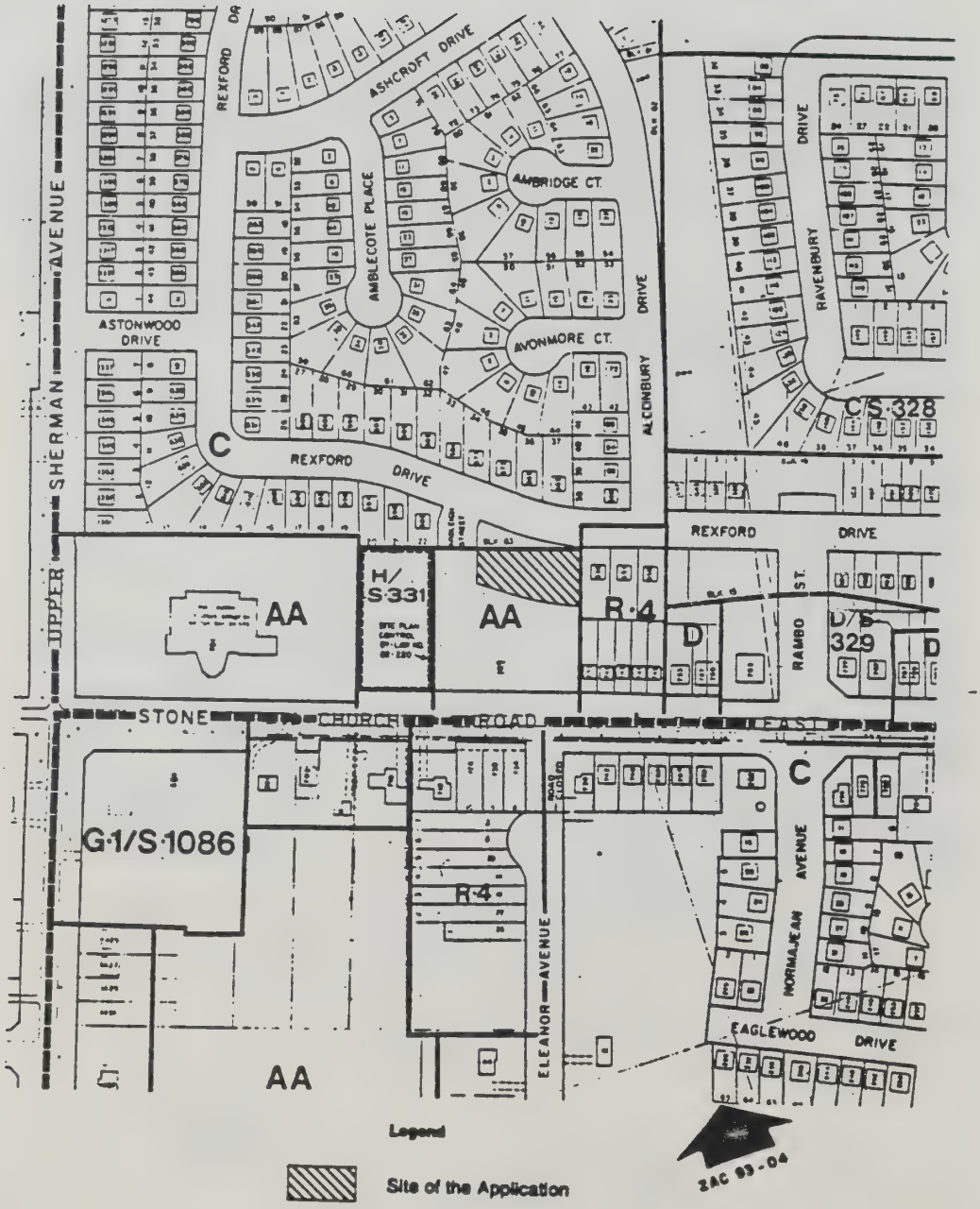


Legend

Site of the Application

ZAR-93-11

Appendix "B" as referred to in Section 5 of the Minutes of The Planning and Development Committee Meeting held 1993 April 7



Appendix "C" as referred to in Section 6 of the Minutes of The Planning and Development Committee Meeting held 1993 April 7



Legend

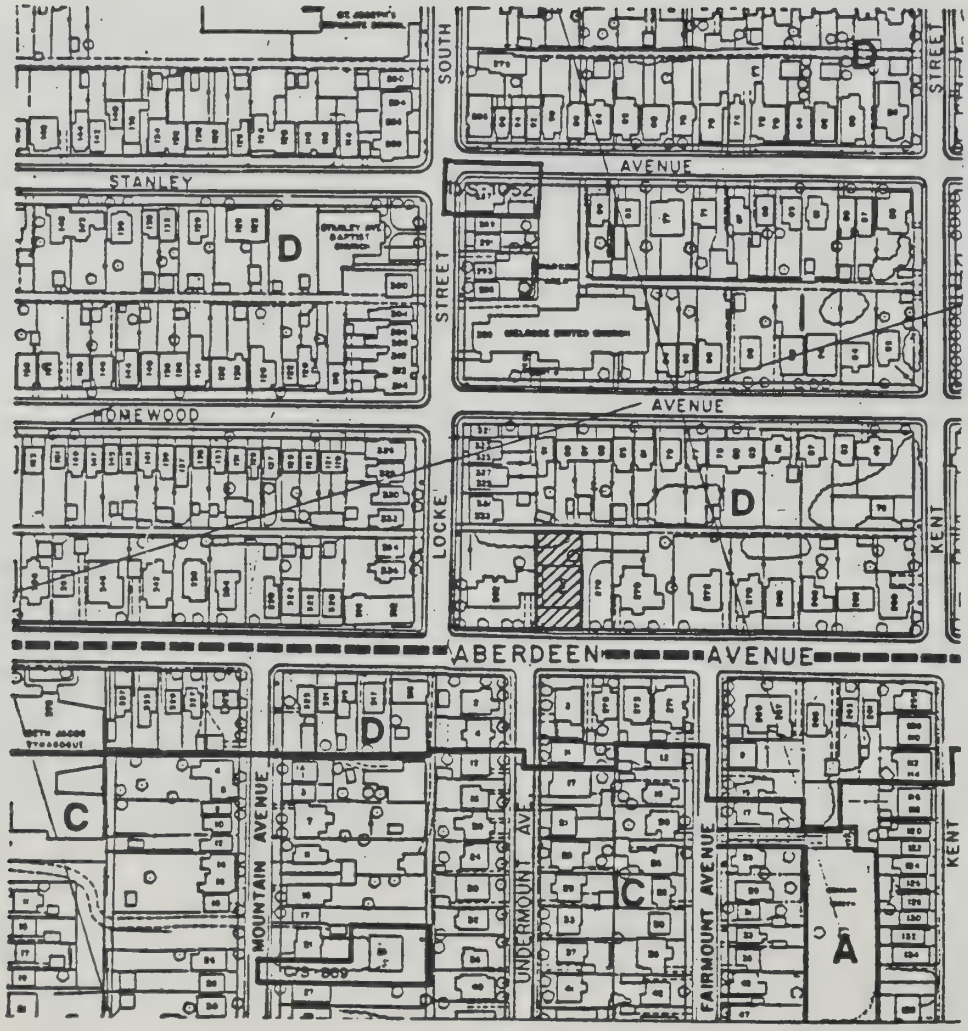
Site of the Application

BLOCK 1 — Proposed modification to the "E" (Multiple Dwellings, Lodges Clubs, etc.) District regulations.

BLOCK 2 — Proposed further modification to the "E" (Multiple Dwellings, Lodges Clubs, etc.) District regulations.

ZA 93-04

Appendix "D" as referred
in Section 7 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 April 7



Legend

Site of the Application

ZA-92-44

Ba1

CITY OF HAMILTON

- RECOMMENDATION -

DATE: April 13, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
20 CHILTON PLACE - Tag Number 88865
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 20 **CHILTON PLACE.**

L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: One Storey Wood Frame House

Owner wishes to demolish the existing old home and erect a new one. LACAC has this building on their list, but due to the many changes to the house, they may not be interested in the preservation of it. Lot size 50' x 114'.

The owner of the property as per the demolition permit is:

Ms. Lydia Aceti
8-14 Huntingwood Avenue
Dundas, Ontario

B61

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
APR 1 P 1993
CITY CLERKS

DATE: April 13, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
208 ELEANOR AVENUE - Tag Number 88843
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 208 ELEANOR AVENUE.

L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" & "AA" Residential and Agriculture

PRESENT USE: Single Family Dwelling

PROPOSED USE: Two New Single Family Dwellings

BRIEF DESCRIPTION: 1 storey wood frame house.

House is being moved to another location. Propose two new single family dwellings after land severance is finalized. No LACAC interest. Lot size 78' x 216'.

The owner of the property as per the demolition permit is:

A. Boers
208 Eleanor Avenue
Hamilton, Ontario L8W 1C8

C

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
APR 12 1993
CITY CLERKS

DATE: 1993 April 8
S703-84, M.J. Inrig

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: Mr. E. M. Gill, P.Eng.
Senior Director
Roads Department

SUBJECT: **"Claudette Gardens - Phase 3", Hamilton**
(Cash in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

a) That the City of Hamilton accept the sum of $8,000.00 as cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 3", Hamilton, this being the cash payment required under Section 50 of the Planning Act.

The lands of "Claudette Gardens - Phase 3" are located west of Garth Street and north of Rymal Road West in the Falkirk East Planning Neighbourhood.

Ted Gill
E. M. Gill, P.Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financial costs to the City associated with this report.

BACKGROUND:

The Owner of "Claudette Gardens -Phase 3" (800064 Ontario Inc.) will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the final plan of subdivision has been attached for your information.

Cont'd....

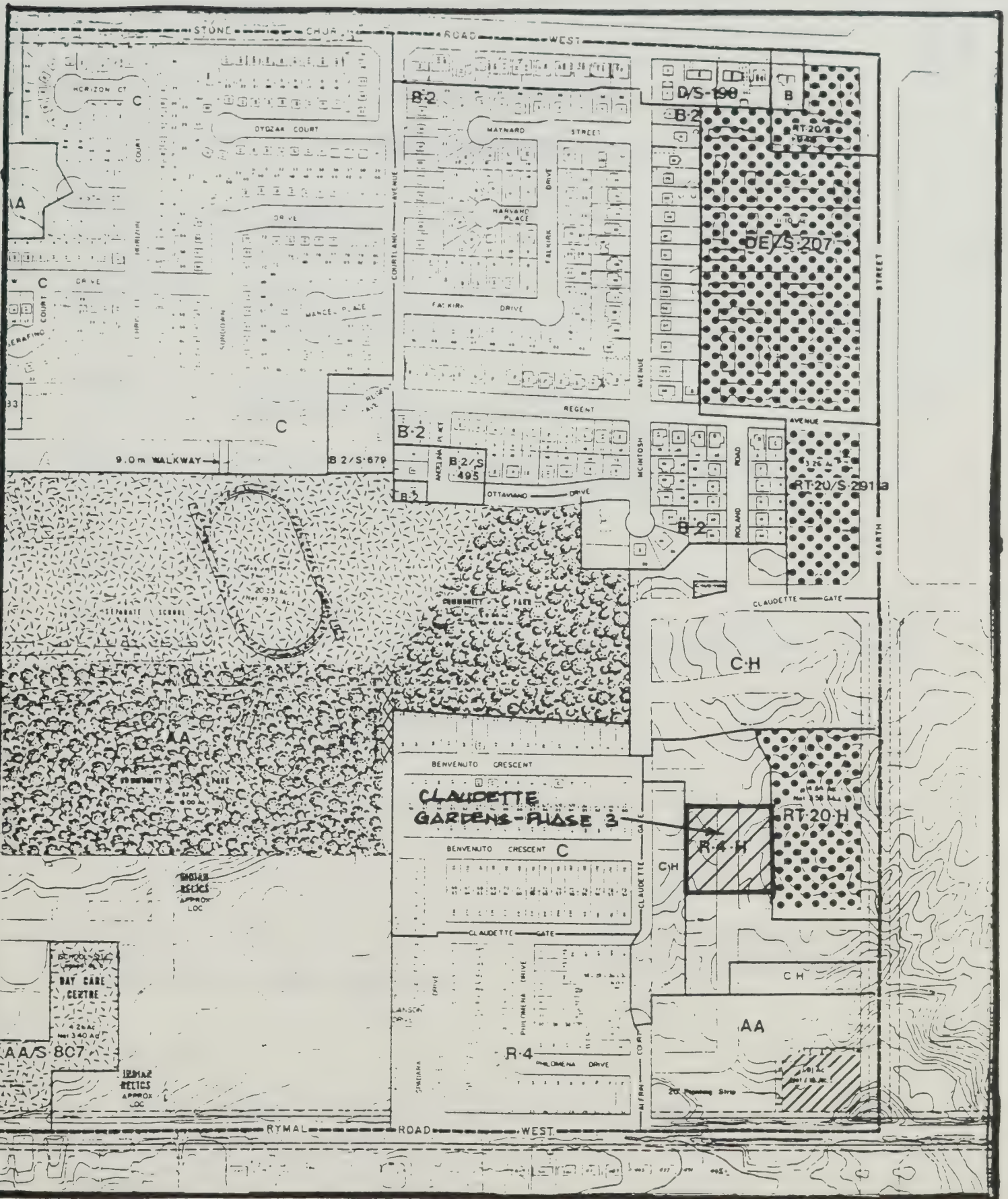
"Claudette Gardens - Phase 3", Hamilton
(Cash in Lieu of 5% Parkland Dedication)

Cont'd....

In accordance with normal City policy, City and Regional staff have completed calculations for the 5% cash payment in lieu of parkland dedication. The amount to be included in the City's Subdivision Agreement is $8,000.00.

MJI

cc: D. Cobb, City Treasury Department
cc: R. Buckle, City Property Department



KEY PLAN

NTS

NORTH

FALKIRK EAST

APPROVED PLAN

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 April 8
DA-92-60 (DA-87-37)
Ainsle Wood East

RECEIVED
2 :/5
CITY CLERKS

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Site Plan Control Application DA-92-60 for a 45 unit apartment complex at 101 Broadway Avenue

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-92-60 by FREURE MANAGEMENT LTD., owner of lands at 101 Broadway Avenue, for development of a 45 unit apartment complex subject to the following:

a) modification to the plans regarding driveway access dimension, notes, landscaping and dimensions as marked in red on the plans; and,

b) submission of a revised grading plan to the satisfaction of the Manager of Development, Roads Department.

J. Thoms.

V. Abraham

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND:

Plans have been submitted for a 45 unit apartment complex at 101 Broadway Avenue. The details of development are as follows:

Net Lot Area			3648 m^2
Gross Floor Area	-	Building A	1742.21 m^2
		Building B	1302.28 m^2

Building Height		3 storeys
No. of Units	Building A	27
	Building B	18
No. of Parking Spaces	(access to Broadway)	27
	(access to Bowman)	24
	TOTAL	51
Landscape Area		1280 m^2

Exterior Building Materials: Brick

A small courtyard will be created between the two buildings with benches and landscaping. The boundary of the site will be enhanced with trees and shrubs to compliment the development and neighbourhood.

COMMENTS RECEIVED:

The Building Department has advised that the parking spaces shall be 2.7 m wide.

The Traffic Department has indicated the following:

a) It is recommended that the width of the driveway accesses be flared at the property line to 7.5 m to facilitate vehicular movements.

b) All concrete curbing at the driveway accesses should be terminated at the property line.

c) The location of the accesses is approved in principle, but the applicant should contact the Traffic Department for a Driveway Approach Permit approval.

The Roads Department in their attached letter have advised that a number of details should be addressed through submission of a revised grading plan.

COMMENTS:

The submitted plans were the subject of Site Plan Control Application DA-87-37 which was approved on July 24, 1987 subject to a number of conditions. The conditions of approval were not completed and the plans never finalized. The proposed development under the subject application are consistent with the previously submitted and approved plans and also with the proposal considered under an Ontario Municipal Board decision of April 6, 1987.

A recent meeting, adjacent property owners, staff and the proponent reviewed details of the proposal.

Modifications are required to the plans regarding driveway width of the access, dimensions, landscaping and notes as marked on the plans. A revised grading plan is also to be submitted for approval of the Roads Department.

The proposed development is satisfactory subject to the above comments.

JPS/ma



City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control Application DA-92-60

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	1:5000	DA-92-60
	Date	Drawn By
	DEC. 17, 1992	W. P. W.

JAN 28 1993

ROADS DEPARTMENT

- MEMORANDUM -

****

TO: J. Sakala
Planning and Development

YOUR FILE: DA-92-60 (DA-87-37)

FROM: Eugene P. Chajka, P. Eng.
Manager of Development
Roads Department

OUR FILE: E220-0101
PHONE: 546-2809
DATE: 1993 January 27

SUBJECT: Site Plan Control Application DA-92-60 for a 45 unit Apartment Complex at 101 Broadway Avenue, Hamilton

---

GRADING AND SERVICING

The grading plan submitted dated May 21, 1987 will be approved when the following items have been addressed.

1) The submitted plans are exactly the same as the plans submitted in 1987, the recommendations made at that time in our letter of June 2, 1987 have not been addressed and are listed below.

2) Combined sewers (i.e. storm/sanitary combination) are located on both Broadway Avenue and Bowman Street and not sanitary sewers as indicated on the plan. Due to the low capacity of the combined sewers, we recommend that the two proposed double catchbasins be changed to single catchbasins with the easterly catchbasins being connected directly to the manhole located east of it in the Bowman Street intersection. We request that these changes be implemented on the servicing plan before applying for a sewer combination permit.

3) Please show the geodetic bench mark used to establish the site bench mark on the grading plan.

4) Show existing grades on the property to the north on the grading plan, plus existing and proposed elevations along all lot lines and at all bends in the lots line.

Cont'd...

Site Plan Control Application DA-92-60 for a 45 unit Apartment Complex at 101 Broadway Avenue, Hamilton

Cont'd...

TRANSPORTATION COMMENTS

We do not anticipate any further road allowance widenings at this time.

Any works which may occur within the Broadway Avenue or Bowman Street road allowance must conform to the City of Hamlton Streets By-Law. It is unclear from the plans submitted as to the extent of entrance onto Broadway Avenue, we advise that no portion of the entrace-way, steps, overhang, etc., is to encroach into the road allowance.

All vegetation within a 5m x 5m triangle at the accesses is not to exceed a mature height of 0.60m above the existing centre line elevations of Broadway Avenue or Bowman Street respectively. In addition, all fencing should be recessed 2 to 3 metres from the street lines. This criteria also applies to the proposed hedges as the setting back of these visual obstructions from the road allowance limits will not impede visibility of motorists in adjoining properties.

All vegetation except sod or annual flowers must be on private property and not on the adjacent road allowances. Any other type of landscape planting requires a landscape agreement with the City of Hamilton.

EH/md

E.

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED

APR 1 1993

CITY CLERKS

DATE: 1993 April 5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Susan K. Reeder, Secretary
Finance and Administration Committee

SUBJECT: **The Directory of Municipal Documents in French**

RECOMMENDATION:

That the Directory of Municipal Documents in French, as prepared by the Ministry of Municipal Affairs be received, and referred to the appropriate City Departments who may be interested in obtaining relevant municipal documents already translated into French for their Department's use. (Copy of the report is available for viewing in the Planning and Development Committee Secretary's Office).

Susan K. Reeder.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In response to a 1992 May questionnaire undertaken by the French Language Services Branch of The Ministry of Municipal Affairs, the above noted Directory of Municipal Documents in French was compiled.

This publication provides a listing of documents, brochures and forms which have been produced in French by municipalities located in designated areas. To obtain a copy of one or more of the listed documents, the appropriate municipality as indicated in the document should be contacted.

It is the Ministry's view that documents listed in the Directory will serve as a valuable research tool for municipalities wishing to adapt them for their own use, and will contribute towards reducing costs associated with the production of French documents, given the potential savings in the area of research and translation.

/2 ...

BACKGROUND - continued ...

The availability of this Directory was made known to the Finance and Administration Committee by its French Language Sub-Committee at the Thursday, 1993 March 25th meeting. As a result, the Finance and Administration Committee approved the following recommendation of the French Sub-Committee:

> "That the Directory of Municipal Documents in French, as prepared by the Ministry of Municipal Affairs be forwarded to all Standing Committees of City Council for review and referral to the appropriate City Departments that may be interested in adopting certain municipal documents already translated into French for their own use."

Copies of this Directory will be distributed to the City Departments by the Committee Secretary.

SKR/dbm
c.c. - Alderman D. Ross, Chairperson, Finance & Administration Committee
- J. Pavelka, Chief Administrative Officer
- C. Coutts, Secretary, French Sub-Committee

F a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 April 15

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: 1993 Canadian Institute of Planners Conference,
1993 July 4 to July 7, Victoria, British Columbia

RECOMMENDATION:

(a) That the Chairman or his designate be authorized to attend the 1993 Canadian Institute of Planners Conference to take place on 1993 July 4 to July 7, Victoria, British Columbia.

(b) That costs for attendance be allocated to Aldermen Travel Account No. CH55201 10010 from the 1993 Operating Budget.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

Costs to be charged to Aldermen Travel Account No. CH55201 10010

BACKGROUND:

Attached is a Schedule of Events and Convention Outline

Attachment

JOIN A NEW

CONSTELLATION.

VICTORIA,

BRITISH COLUMBIA

JULY 4–7



THE 1993 CONFERENCE is a

INSPIRING SPEAKERS!

perfect opportunity to engage in

LOW HOTEL AND AIRFARE RATES!

professional development, renew acquaintances,

SUPER PROFESSIONAL TOURS!

make new contacts, or just enjoy yourself with people

LOTS TO SEE AND DO!

of like interests. Make plans now to attend. Registration is

NO INCREASE IN FEES!

limited—respond today! Plan on rubbing shoulders with

world-class speakers. Choose from 20 educational and

topical sessions covering a wide array

of planning topics.

Session Information

Choose from an impressive array of sessions designed to spark your imagination and add to your tool kit. Twenty interesting sessions to pique your professional interest. Here's a sampler!

Living in the City:
A Question of Density.
Densification, downtown and infill housing, and "neo-traditional" neighbourhoods are currently in vogue. Are these ideas saleable?

Growth and the Region:
Who's in Charge?
Who really controls where and how growth occurs in our metropolitan regions? Who should be in charge? What can we learn from communities where regional planning is in place?

Surviving in the City.
The number of people living without shelter or on the edge of homelessness is growing. Is awareness enough?

Environmentally Sensitive Communities.
Bamberton, a planned new town on Vancouver Island, is the product of an innovative planning process. But is this enough to overcome deeply seated environmental concerns?

Downtown:
What makes it Great?
What ingredients make downtowns the place to be? Are Canadian cities different from their U.S. counterparts?

Resource Communities in Transition.
Some small communities refuse to die when their resource base changes. Do affordable retirement and tourism point the way to a new future?

Interpreting Trends.
The pace of technological change is breath-taking. Can economic and social changes occur in sync? What are the forces of the future that will challenge planners in the next decade?

Quality of Life:
What's that really mean?
A frequently heard phrase but is it a past we fondly remember, an ideal present we want to keep, or something elusive to strive for?

Pacific Rim:
Planners' Opportunities.
Everyone has heard the Pacific Rim is where it's at and Canada is a major beneficiary. What are the potential impacts and opportunities?

Georgia Basin:
The North-South Connection.
An international planning process is underway to preserve environmental features and unique resources in one of the continent's fastest growing areas.

Art in Public Places.
Public art is no longer regarded as a luxury—it's an essential part of our cities. Canadian and U.S. examples are compared and critically assessed.

Heritage:
The Past is Our Future?
The heritage movement has gained acceptance but challenges lie ahead. A Canada-wide examination of emerging issues and opportunities.

The City:
How to get us out of our cars?
We have an enduring love affair with the automobile. Different strategies are working in different communities to change this. Find out what's being done across Canada.

Land Use or Transportation:
Which is in the driver's seat?
This question is currently the subject of much debate and fundamental in guiding and managing metropolitan growth. Different approaches are explored.

Moving People and Ideas:
Are we approaching the Electronic City?
Is tele-commuting really replacing auto-commuting? Will home-based work change our lives irrevocably? What can we expect and how soon?

Energizing Relationships:
New Challenges Ahead.
There is a need for greater communication between community and utility planners to coordinate planning processes, particularly in urban growth areas. How can this be accomplished?

The Master Plan:
How much is enough?
Master plans and visioning exercises involving the public at all levels are underway across North America. Their value now, and for the future, is debated.

First Nations:
Planning for Self Governance.
The Constitutional debate and Oka have brought Native needs and aspirations into focus. What planning is underway in both urban and rural settings?

Managing Conflict:
Is consensus becoming clearer?
Public hearings, focus groups, opinion research, visioning—are there new ways? What works best? When? Where?

Wetlands Conservation:
Is planning enough?
The environmental and economic importance of wetlands is becoming increasingly well known and planning has played a role. What has been, and can be, achieved?

Pre-Conference Activities

Plan now to combine professional development with pleasure. Come to Victoria a few days before the conference and take time to play on the beaches, go for a sail, visit our legendary gardens or, as many people do, scout out future retirement opportunities. If that's not quite what you had in mind . . . we have some other suggestions!

Urban Design Workshop, July 02–04

As part of its Continuing Education series, CIP and the University of British Columbia will host an interactive, two-day urban design workshop. "Replanning the Urban Community" will explore sustainable urban design principles, examine successful applications, and identify tools and methods for practising planners. The workshop, to be held at Dunsmuir Lodge in North Saanich, will bring together practitioners and scholars from Canada and the U.S. For additional information, please contact: Professional Programs, UBC Centre for Human Settlements. Fax: 604-822-6164.

Sunday Excursions

1 **Morning is a delightful time to enjoy Victoria.** Join us for a two hour coach tour around the city. Afterwards, if you've the appetite, we've got a sumptuous brunch buffet at the Laurel Point Inn, one of Victoria's most celebrated waterfront hotels. (#1A)

2 **Butchart Gardens Tour.** You've heard people rave about these elegant gardens. Now, find out for yourself. Join us on a three hour tour. The Gardens are a pleasant 20 minute drive from downtown through the rural landscape of the Saanich Peninsula.

3 **Feel like some sea spray?** If so . . . join us on a three hour trip in the Strait of Juan de Fuca in search of killer whales. Lunch is included in this marine wildlife adventure cruise. This is a very popular tour, so be sure to book early.

4 **Max Bacon Run.** This annual fun run will be held on July 07. Leaving from the Empress Hotel at 7:00. Prizes galore (or a least a T-shirt!). Further details on registration.

Professional Mobile Workshops

Something for everyone. But choose quickly. Some of these tours are limited to small numbers. These tours are included as part of your registration. Travelling companion? $10.00 for walking tours; $25.00 for bus trips.

11 **Marine Ecology.** See the world beneath the sea through the eyes of Bill Austin, prominent marine biologist at the Cowichan Bay Marine Ecology Centre. Planning issues focusing on estuary management will be discussed.

12 **The Islands' Trust: A Unique Conservation Mandate.** Saltspring Island offers a pleasant destination to learn about the Trust. Explore a unique environment and discuss planning issues with staff and politicians. (Later return to hotel. Approx. 17:30)

13 **Surprising Sidney.** This waterfront community of 10,000 has come alive in the past few years. A successful public-private partnership along the waterfront will be featured. A short ferry trip to Sidney Spit Provincial Park is included.

14 **1994 Victoria Commonwealth Games.** This hallmark international event is the product of a major planning and community effort. Tour several of the facilities with the Games planners.

15 **Harbour Tour.** Victoria's Harbour is an exciting, busy place but just how congested can this relatively small harbour get before its ambience is lost?

16 **Heritage Walking Tour.** Victoria's heritage is not by happenstance . . . vision, perseverance, money and community support have come together to keep Victoria's heritage alive. On arrival, select the tour of greatest interest to you—Old Town, Chinatown, or a Victorian neighbourhood.

17 **Native Heritage Centre.** View "Great Deeds", a spectacular multi-media presentation on the history, traditions, legends and philosophy of the Cowichan people. Discuss land use management from a Native perspective.

18 **Regional Parks.** Residents of the Capital Region enjoy a range of outdoor recreation through a well-developed parks system. Discuss parks issues during a tour of selected upland and beach locations.

19 **Managing the Watershed.** Long term water supply and watershed management will be discussed with Water District planners. Includes a tour of the protected watershed.

20 **Wetlands Evaluation—A Practical Application.** Visit a local wetlands area for a practical, hands-on application of the Wetlands Evaluation Guide. Complements a conference session on the subject.

"On your own" Post-Conference Tours

Linger a while on the west coast . . . or check out other super-natural parts of British Columbia and the American Pacific Northwest. These are hard to choose among . . . but give it a try! Unrepeatable value. Family rates available on request. A minimum number will be required to offer these tours. Please register as early as you can to avoid disappointment.

Pure Pleasure

21 Alaska Cruise—Noordam
July 08–15 - Leaving from Vancouver

22 Rocky Mountain Rail Excursion
[illegible]y 08–13 -
[illegible]ancouver–Edmonton–Vancouver

23 Whistler Coach Tour
July 08–11 - Leaving from Vancouver

24 Painters' Lodge—Campbell River
July 07–10 or July 07–13 (=24A)
Salt Water Salmon Fishing -
Leaving from Victoria

25 Vancouver Deluxe Tour
July 07 - Leaving from Victoria

Professional Development Post-Conference Tours

How many conferences have you been to where you thought ". . . hmmm, too bad we didn't get to know more about the local issues, or get a chance to talk to other planners on their own turf". Here are four tours, each with a different focus and pace. A CIP member will accompany the tours and local content specialists will be available at several destinations en route. Tour costs include coach transportation, accommodation and the final night's dinner.

26 Cascadia. Bring your passport! This six day excursion will take in the picturesque Gulf and San Juan Islands as well as the historic towns of LaConner, Port Townsend, and Bellingham in Washington State. Seattle and Vancouver also feature in this tour as a big city contrast.

27 Bikeways of the Northwest. Interested in alternative transportation strategies? If so . . . find out what's up in Vancouver, Seattle and Portland. Each city is actively pursuing traffic demand management with a different emphasis. Find out how. Oh yes . . . how about an opportunity to cycle along Oregon's spectacular coast? Total of six days.

28 Land battles ahead! Agriculture and urbanization, can they co-exist? Have a look at what's happening in B.C.'s two most fertile areas—the Fraser Valley and the Okanagan Basin. Visit the Lower Mainland communities of Abbotsford, Chilliwack and Harrison Hot Springs before travelling the Coquihalla Highway to the Okanagan. Sample some VQA wines. Return to Vancouver via the Hope-Princeton highway. Five days.

29 Tall trees; wild surf. B.C. continues to grapple with difficult resource issues. Forestry remains the largest industry in the province but is facing tough challenges. This six day tour will take in the communities of the south and central parts of Vancouver Island—Duncan, Crofton, Chemainus, Nanaimo, Port Alberni and Tofino. Kayak and boat tours of Pacific Rim Park and Meares Island plus a walking tour of the Walbran Valley are included. Bring sturdy boots!

Conference Registration & Transportation Information

What's Included?

Conference registration includes all sessions, admission to the Trade Show, mobile workshop and box lunch during the conference, Sunday reception, one buffet lunch, two continental breakfasts, refreshment breaks, and closing banquet.

Unbeatable Airfare Discounts

Canadian Airlines, along with its domestic partners, offers excellent fares. From 5% up to 50% discounts. Members of CAI's frequent flyer program continue to earn valuable mileage credits. Call 1-800-665-5554. Fax 514-847-2055. When booking with Canadian or through your own travel agent, please quote =4524.

Special Hotel Rates

Choose from four full-service hotels at much below high season rates. Each has its own personality. The Coast Harbourside is a pleasant 15 minute harbour walk or 5 minute shuttle; all other hotels are very close to the Conference Centre. Please call your preferred hotel directly, quoting the "CIP National Conference". Rates are per night in Canadian funds.

	Single	Double
Coast Harbourside (1-800-663-1144)	$99	$109
Executive House (1-800-663-7001)	$106	$116
Chateau Victoria (1-800-663-5891)	$110	$110
CP Empress Hotel (1-800-268-9411)	$140	$165

Program at a Glance

Sunday, July 04

8:00	– 20:00	Registration
10:00	– 12:30	Local Tours & Activities
13:00	– 16:00	Local Tours & Activities
16:00	– 20:00	Trade Show
18:00	– 20:00	Reception
19:30	– 20:00	PIBC Awards
20:00	– 21:00	Bearpit Session—Planners in Politics

Monday, July 05

7:30	– 9:00	Registration
8:00	– 17:30	Trade Show
8:00	– 9:00	Continental Breakfast
9:00	– 10:00	Opening Plenary—Rick Hansen
10:30	– 12:00	Concurrent Sessions
12:00	– 13:30	Buffet Lunch
13:30	– 15:00	Concurrent Sessions
15:30	– 17:00	Concurrent Sessions
18:30		Special Dinners

Tuesday, July 06

7:30	– 9:00	CIP Annual General Meeting – Continental Breakfast
9:10	– 10:40	Concurrent Sessions
11:00	– 12:30	Concurrent Sessions
13:00	– 16:00	Mobile Workshops with box lunch
18:30		Reception, Banquet and CIP Awards

Wednesday, July 07

7:00	– 8:00	Max Bacon Fun Run
8:00	– 10:00	PIBC Annual General Meeting – Continental Breakfast
10:30	– 12:30	Global Exchange Panel – Satellite Communication Program
13:30		Post Conference Tours



What an Incredible Opportunity!

Super-Early Registration.

Register by 15 April (postmark) and you have a chance to win two free air tickets anywhere in Canadian's continental North America (excl. Mexico) network. Do it now! Someone will win!

Return the form on the following page with payment to:

CIP 1993 National Conference

Box 5605

Postal Station 'B'

Victoria, B.C., Canada

V8R 6S4

FAX 604-380-6525

For more information contact:

1-604-380-6090 (Outside Canada)

1-800-567-1976 (Inside Canada)

Registration Form

Clip out along dotted line and mail to address on preceding page.

Please indicate number of people attending beside appropriate fee
List workshop choices by assigned number & underline tour selection

A. Registration Fees

	Early Discount Before May 31		Normal June 01–July 04	
CIP Member	_____	$375.	_____	$425.
Non-Member	_____	$425.	_____	$475.
Student Member	_____	$225.	_____	$250.
Spouse	_____	$75.	_____	$125.
Individual Sessions/Banquet	_____	$35.	_____	$35.

Special Group Rate. Four or more from the same organization, postmarked by May 31st receive a 10% discount off the registration fee—all registrations must be mailed together.

B. Special Tours & Activities

Excursions—Sunday, July 04

1 Victoria Grand City Coach Tour	_____	$29
1A Grand City Coach Tour + Brunch	_____	$49.
2 Butchart Gardens Coach Tour	_____	$34.
3 Marine Adventure—Boat Cruise	_____	$39.
4 Max Bacon Fun Run—Wednesday, July 07	_____	FREE!

C. Special Dinners

Monday, July 05

5 Victoria's Old Town	_____	$30.
6 Sooke Community Hall & Logging Show	_____	$44.
7 Butchart Gardens	_____	$54.
8 Salmon BBQ/Conference Ctr. Area	_____	$51.
9 Victoria Harbour Dinner Cruise	_____	$54.

TOTAL Special Tours and Activities = $ _____

Registration Form (Please Print)

Name* _____

Organization or Company _____

Address _____

City _____ Prov/State _____ Code _____

Country _____ Phone _____

Name of Guest* _____ # of Children _____

* *exactly as it should appear on conference name badge*

DDRESS ON PRECEDING PAGE.

D. Mobile Workshops—
Tuesday, July 06 (Free to Delegates)

11 Marine Ecology

12 What's the Islands' Trust?

13 Surprising Sidney _____ 1st Choice

14 1994 Victoria Commonwealth Games

15 Harbour Tour _____ 2nd Choice

16 Heritage Walking Tour

17 Native Heritage Centre _____ 3rd Choice

18 Regional Parks

19 Managing the Watershed

20 Wetlands Evaluation—A Practical Application

Guest tickets: $10.00 (Walking Tour)
$25.00 (Coach/Ferry Tour)

TOTAL Guest Mobile Workshops = $_____

... "On your own" Post-Conference Tours

All prices are per person, double sharing. Taxes are additional. Ask about family rates. Non-refundable deposits are required with your registration.

			Deposit
21	Alaska Cruise	$1720.	$300.
22	Rocky Mountain Rail Excursion	$1895.	$300.
23	Whistler Coach Tour	$249.	$125.
24	Painters' Lodge—Salmon Fishing (3 nights)	$750.	$300.
24A	Painters' Lodge—Salmon Fishing (6 nights)	$1125.	$300.
25	Vancouver Deluxe Coach Tour (from Victoria)	$89.	$89.

F. Professional Development Post-Conference Tours

All prices are per person, double sharing. Taxes are additional. A non-refundable deposit of $150. is required with your registration.

26	Cascadia	$599.
27	Bikeways of the Northwest	$699.
28	Land Battles Ahead	$499.
29	Tall Trees, Wild Surf	$599.

Method of Payment

☐ Cheque enclosed

☐ Credit card number _____
(VISA/Mastercard)
Expiry Date _____

Signature _____

A.	Registration Fees	$	
B.	Special Tours & Activities	$	
C.	Special Dinners	$	
D.	Mobile Workshops	$	
	Sub-Total	$	
	ADD 7% GST	$	
	TOTAL	$	
E.	"On Your Own" Post-Conference Tours	$	(Deposit)
	Please indicate tour number of your choice	.....	
F.	Professional Post-Conference Tours	$	(Deposit)
	Please indicate tour number of your choice	.....	
	TOTAL ENCLOSED	$	(CDN)

Note: All tours and activities are subject to minimum numbers and prices quoted are subject to change.

NEW FOR 1993! Catch an electronic wave. Our global exchange on Wednesday morning will bring experts from around the world into the Conference Centre. A multi-cultural, inter-active experience!

ALSO NEW! "Planners turned politicians". What happens to a planner when she or he becomes a politician? City and provincial politicians will engage in a lively debate on this subject. The Sunday evening bearpit session will kick-start the conference.

1993 TRADE SHOW. Suppliers of professional services, equipment and technology of interest to planners will host a two day Trade Show. Interesting exhibits, informative resource people!

READY FOR SOME FUN? Our special events committee promises the moon! But what does that really mean? Find out in person.

SCHOOL'S OUT! Our special events committee would love to do some planning for families and their kids! But . . . are they coming? If so, we can make special arrangements for children of just about any age. Let us know if you plan on bringing your family and whether you would be interested in individual child-minding or group activities. Drop a note with your registration letting us know the ages and interests of your children.

TAKE ADVANTAGE OF THE LOWEST INFLATION RATE IN A GENERATION . . . the 1993 conference is good value all around—reasonable fees, excellent hotel rates, special air fares and a chance to win two tickets to anywhere Canadian (and its domestic partners) fly in Canada and the U.S. if you register before April 15th.

CIP AND PIBC AWARDS. Broaden your horizons as you browse through our gallery of submissions for the national and provincial professional awards. It's guaranteed to inspire. Provincial winners will be announced at the opening reception; national winners will be announced at the closing banquet.

CO-HOSTS. The CIP National Conference is co-sponsored by the Planning Institute of British Columbia. On behalf of PIBC's growing membership of over 500 planners, we extend the warmest welcome to our colleagues across the country and to our friends from the United States and other countries.

F61

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 April 14

REPORT TO: Members of the Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **INFORMATION ITEMS**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to Members of the Committee under separate cover on 1993 April 14, be received for information purposes:

(a) City Solicitor, Niagara Escarpment Plan Review Hearing - Report on Hearing Officers dated 1993 April 13.

(b) Secretary, Planning and Development - Public meetings for Zoning Applications dated 1993 April 14.

(c) Commissioner of Planning and Development - Site Plan Control Application DA-91-39 dated 1993 April 14.

(d) GO Transit - Response to resolution regarding "Intent to Designate" - GO Transit Centre dated 1993 April 5.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: None

2.

CITY OF HAMILTON

- INFORMATION -

RECEIVED
APR 15 1993
CITY CLERKS

DATE: 1993 April 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

Mr. V. J. Abraham, M.C.I.P.
Director, Local Planning Division

SUBJECT: **Purchase of Lands in the Alpha Enclave East 48 Imperial Street**

BACKGROUND:

The City of Hamilton became involved in acquiring residential properties in 1981 when it approved funding in the Capital Budget to purchase properties in the north part of Alpha (south side of Burlington Street, east of Sherman Avenue North). The basis for the acquisition was the potential social benefits to be gained by area residents and the City including:

- the opportunity: to relocate to a cleaner, less noisy environment; to move from substandard housing; to reduce hardships due to uncertainty, declining land values and financial ability to relocate; and,

- to upgrade the City's environmental, health and housing standards; to improve the City's image; to reduce the cost of providing services to isolated residential pockets; to satisfy the demand for industrial land which would subsequently create jobs; and, to increase the taxable assessment.

In 1989, City Council directed a follow-up study of the residential enclaves be undertaken for those areas north of the CN tracks, to **re-evaluate** the long term land use and the City's continued involvement in purchasing residential properties for industrial purposes. Accordingly, the study was undertaken and a number of land use and acquisition options were identified.

Based on the study findings and the input of the residents and the various departments and agencies, the following courses of action were recommended to the Planning and Development Committee/City Council;

- the "Industrial" designation in the City's Official Plan and the "K" (Heavy Industry) District zoning for all the enclaves should be retained;

- the acquisition program established for Leeds, Biggar and Stapleton be **abandoned completely**. Further, the City should not acquire any residential properties for industrial purposes in Land, Beatty or Rowanwood; and,

- the acquisition program for Alpha East (east of Sherman Avenue North) continue on a willing seller/willing buyer basis for the approximately eleven (11) residential properties remaining with no expropriation contemplated. The City Property Department be requested to undertake this initiative on the understanding that the existing funds in the Capital Budget be utilized, as well as funds realized from the sale of lands previously acquired through the program.

Subsequently, on June 30, 1992, City Council adopted Item #1 of the 12th Report of the Planning and Development Committee, approving the acquisition of the remaining residential properties in the Alpha East Enclave area on a willing seller/willing buyer basis with no expropriation contemplated, as follows:

> "the acquisition program for Alpha East (east of Sherman Avenue North), which was put on hold in December 1989, be resumed for the approximately eleven (11) residential properties remaining, on a willing seller/willing buyer basis with no expropriation contemplated. Funds will be utilized from the existing Capital Budget (Account No. 308750001), as well as the funds realized from the sale of lands in Alpha West".

It had always been the understanding of both the Planning and Property Departments that funds realized from the sale of Enclave lands could be used to purchase further properties, in the form of a revolving account, similar to previous clearance programs. However, a resolution adopted by Council in 1987 earmarked these resale proceeds as one of the components that made up the original Capital Budget allocation of $3,000,000 for the Alpha Enclave Clearance Program, which cannot be exceeded without Ontario Municipal Board approval. Therefore, the funds from the sale of the assembled lands could not be utilized to purchase lands in Alpha East.

Of the original $3,000,000, it was estimated that approximately $320,000 would be remaining in the enclave clearance program account following completion of the purchases in Alpha West.

In light of the fact that many of the residents in the Alpha East Enclave had contacted the Property Department expressing an interest in selling their property to the City, it was seen as preferable to have sufficient funding to complete the purchase of all the properties available at the one time. However, with only the estimated $320,000 remaining in the clearance program account and with no funding to be made available from the sale of the industrial lands in Alpha West, it became apparent that only 2 or 3 of the eleven (11) residential properties could have been purchased at that time.

As a result of this shortfall in funding, the Planning and Property Departments jointly forwarded a report to City Council. Hence on December 8, 1992, City Council adopted Item #5 of the 21st Report of the Planning and Development Committee, approving that "the acquisition program for Alpha East (east of Sherman Avenue North), which was put on hold in December 1989, be resumed for the approximately eleven (11) residential properties remaining, on a willing seller/willing buyer basis with no expropriation contemplated, **when funding is available**". An additional recommendation in this report set out "that a new project submission form along with appropriate costs be submitted to the Capital Budget Sub Committee by the Planning Department as a new project for the 1993-2002 Provisional Capital Budget consideration". This submission was to obtain the funding necessary to complete the acquisition of the Alpha East properties. Pursuant to this latter recommendation, the Planning Department submitted a new project form for consideration by the Capital Budget Sub Committee. The request was for funds in the amount of $1.3 million to be made available to allow the completion of acquisitions of the remaining residential properties in the Alpha East Enclave. This submission (Property Acquisition Program - Alpha) was approved by City Council on January 29, 1993 as part of the 1993-2002 Capital Budget Program with a start year of 2001.

Subsequently, all the property owners who were in contact with the Property Department regarding the possible City acquisition of their properties were informed in writing in February 1993 that funding for this project had been deferred until 2001 by City Council on the recommendation from the Capital Budget Sub Committee. Also, that no further negotiations will take place until this funding is made available. The reasoning for this deferral to the year 2001 is the current lack of demand for industrial land and an effort not to decrease affordable housing stock in these recessionary times.

Since this time, the owner of the property at 48 Imperial Street (one of the properties located in the Alpha East Enclave) has again approached the City requesting that his property be purchased. The reasoning behind this request is that the owner, Mr. Bob Jugovic, feels his property has been isolated by the fact that it is surrounded by two (2) vacant lots, leaving the house which he leases out standing alone (Appendix "A"). There

had been a dwelling located at 50 Imperial Street until June of 1992, at which time demolition of the structure took place, leaving the properties on either side of Mr. Jugovic's vacant. Although these surrounding properties are now vacant land, the City has not purchased either of them in conjunction with the Alpha East Enclave Clearance Program.

With regards to the possible purchase of Mr. Jugovic's property by the City, notwithstanding the fact that there are currently no funds designated for such an acquisition, the purchase of one property may appear misleading to the other residents affected by the December 8, 1992 Council resolution setting out that no further negotiations are to take place and would result in requests by these owners to purchase their property.

D. W. Vyce
Director of Property

V. J. Abraham, M.C.I.P.
Director, Local Planning Division

KN/klb

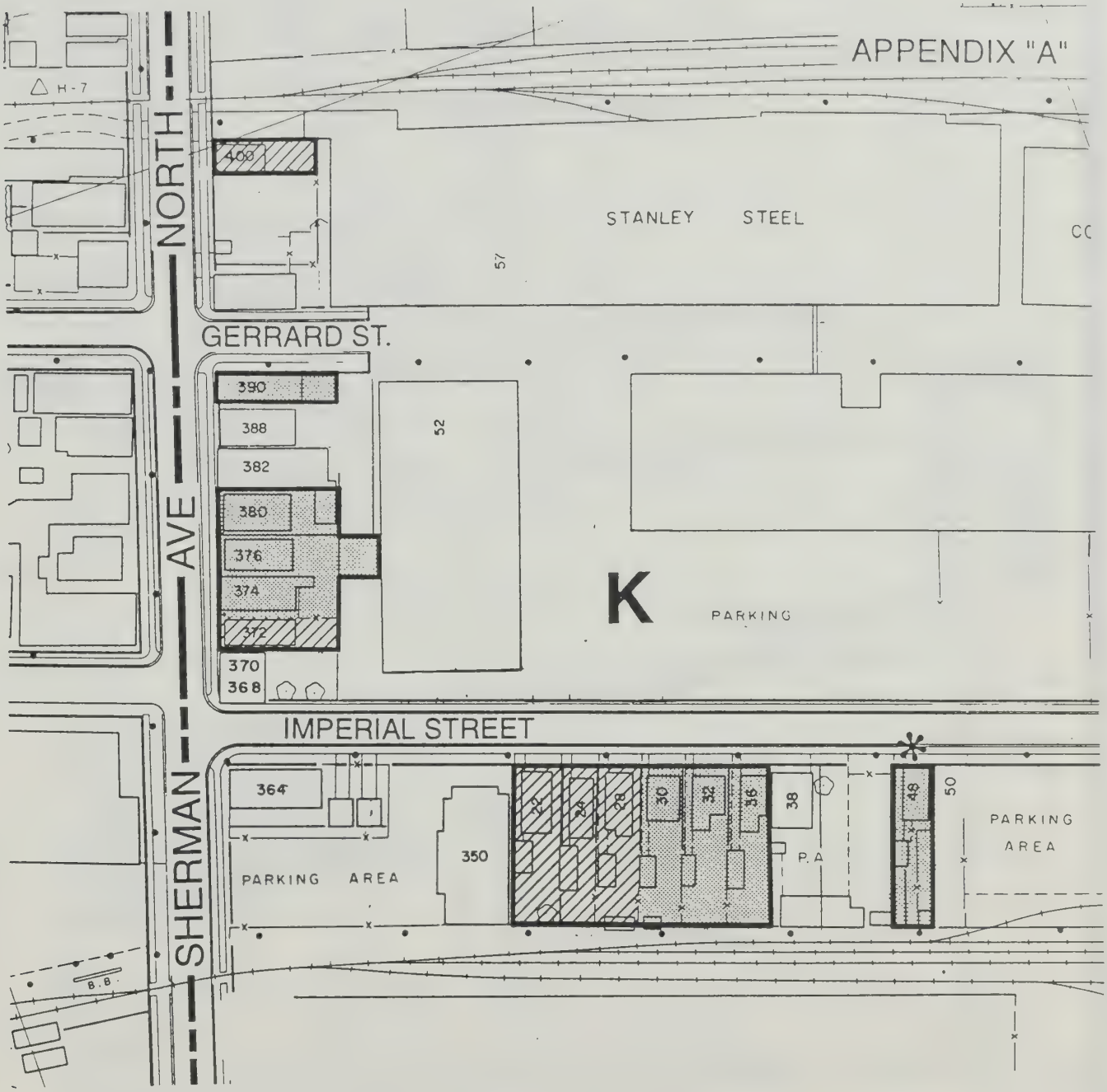
c.c. Alderman T. Jackson, Alderman, Ward 6, Aldermen's Office

Alderman D. Drury, Alderman, Ward 3, Aldermen's Office

Alderman Bernie Morelli, Alderman, Ward 3, Aldermen's Office

Alderman D. Ross, Alderman, Ward 8, Aldermen's Office

P. Noé Johnson, City Solicitor, Law Department



ALPHA ENCLAVE (EAST)

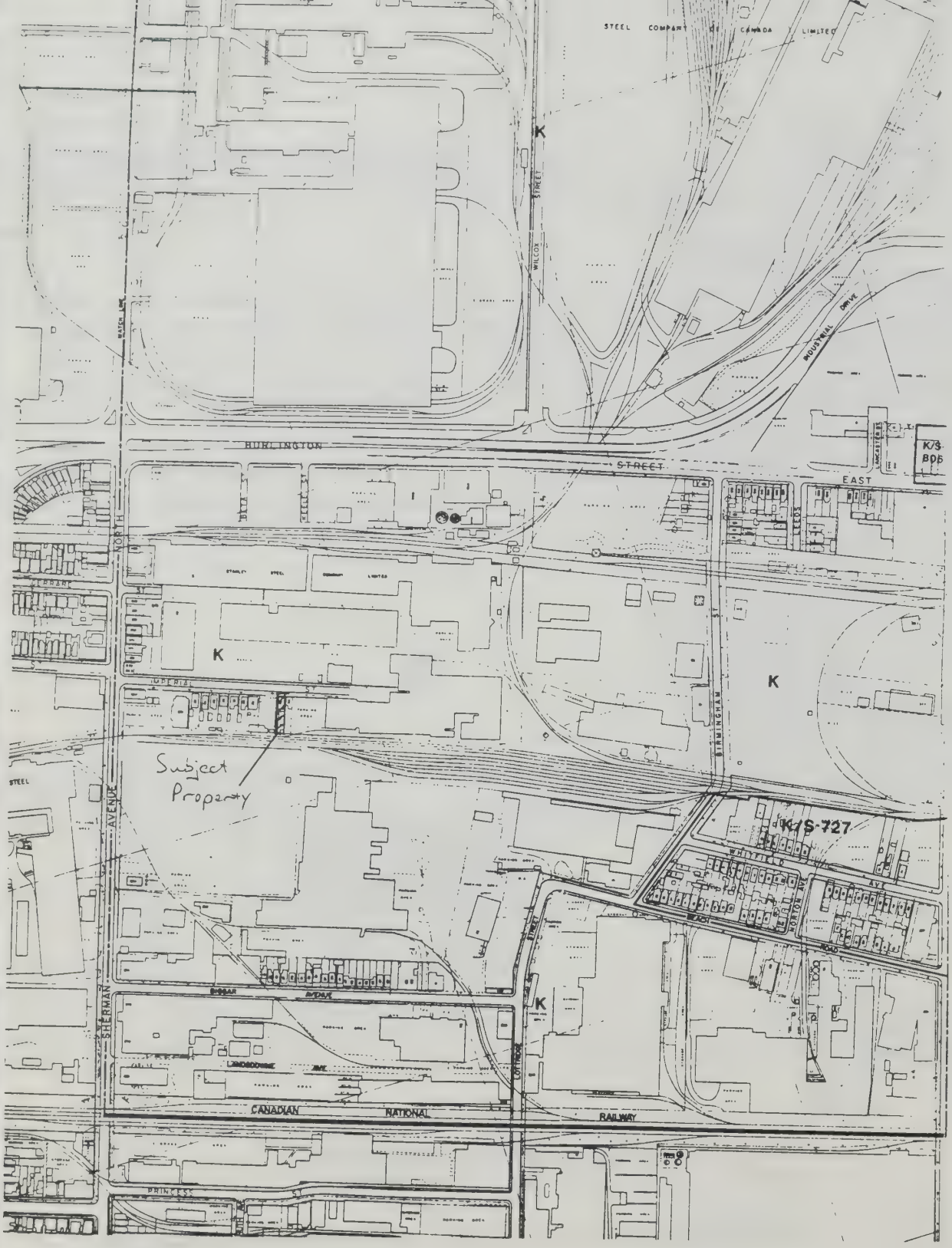
LEGEND

OWNER OCCUPIED

TENANT OCCUPIED

* MR. B. JUGOVIC PROPERTY

APRIL 1993



	81	80
70	71	72
48	126	35

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

CIT

INDUST

Neighbourhood Boundary
Zoning Boundary.

0
SCALE

Prepared for The City of Hamilton
by the Planning and Development Department
of The Regional Municipality of Hamilton-Wentworth

PLANNING UNIT NO.
6200
6211

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1992 October 28

REPORT TO: Chairman & Members
Capital Budget Sub-Committee

FROM: D. W. Vyce
Director of Property

V.J. Abraham, M.C.I.P.
Director of Local Planning Division

SUBJECT: **Funding for Purchase of Lands in the Alpha East Residential Enclave**

RECOMMENDATION:

a) That the $900,000 indicated as a recovery within the funding of the $3,000,000 Alpha Enclave Clearance Program approved by Council in 1987, be used to complete the purchase of properties within the Alpha East and Alpha West Enclaves.

b) That the City Solicitor be authorized to apply to the Ontario Municipal Board for approval to amend the Ontario Municipal Board Order as it relates to the gross cost of the Alpha Enclave Clearance Program from $3,000,000 to $3,900,000.

c) That the reference in the Ontario Municipal Board Order to the debenture funding of this project be revised from $1,350,000 to $2,075,000, and that an additional funding source be added to the Order in the name of the "Reserve for Acquisition of Lands in the Alpha Enclave" in the amount of $175,000.

d) That application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of $725,000 for a term not to exceed 20 years.

D. W. Vyce
Director of Property

V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

		Original Approval 1987	Revised Request
Gross Cost		3,000,000	3,900,000
Funded by:	- Sales of Land	900,000	900,000
	- Region	750,000	750,000
	- Debentures	1,350,000	2,075,000
	- Reserve funds	-	175,000
		3,000,000	3,900,000

BACKGROUND:

On June 30, 1992, City Council adopted Item 1 of the 12th Report of the Planning and Development Committee approving the acquisition of the remaining residential properties in the Alpha East Enclave area on a willing seller/willing buyer basis with no expropriation contemplated, as follows:

(b) (ii) "the acquisition program for Alpha East (east of Sherman Avenue North), which was put on hold in December 1989, be resumed for the approximately 11 residential properties remaining, on a willing seller/willing buyer basis with no expropriation contemplated. Funds will be utilized from the existing Capital Budget (Account No. 308750001), as well as the funds realized from the sale of lands in Alpha West".

It is estimated that the sale of the lands in the Alpha West Enclave once completely assembled will total approximately $800,000 to $900,000, which would have covered the acquisition costs of the properties in Alpha East.

It has always been the understanding of both the Planning and Real Estate Departments that funds realized from the sale of Enclave lands could be used to purchase further properties, in the form of a revolving account, similar to previous clearance programs. However, a resolution adopted by Council in 1987 earmarked these resale proceeds as one of the components that made up the original Capital Budget allocation of $3,000,000 for the Alpha Enclave Clearance Program which cannot be exceeded without Ontario Municipal Board approval. Therefore, the funds from the sale of the assembled lands currently cannot be utilized to purchase lands in Alpha East.

Of the original $3,000,000, it is estimated that approximately $320,000 will be remaining in the enclave clearance program account following completion of the purchases in Alpha West.

It would be preferable to complete the purchases of the properties in Alpha East in their entirety with the addition of this $725,000, as it may appear to be misleading to the residents affected and not practical to purchase only 2 or 3 properties at this time in light of the fact that many of the residents have contacted the Real Estate Department expressing an interest in selling their property.

Upon acting on the June 30, 1992 City Council resolution, it became apparent that the City would run out of funds very quickly and as a result meetings were held with members of the Treasury, Real Estate and Planning Departments to attempt to rectify this problem. The aforesaid recommendation if approved will allow Council wishes to be carried out.

KN/nw

c.c. Alderman T. Jackson, Alderman, Ward 6

Alderman D. Drury, Alderman, Ward 3

Alderman B. Morelli, Alderman, Ward 3

P. Noé Johnson, City Solicitor

A. Ross, Treasurer

Of the original $3,000,000, it was estimated that approximately $320,000 would be remaining in the enclave clearance program account following completion of the purchases in Alpha West.

In light of the fact that many of the residents in the Alpha East Enclave had contacted the Property Department expressing an interest in selling their property to the City, it was seen as preferable to have sufficient funding to complete the purchase of all the properties available at the one time. However, with only the estimated $320,000 remaining in the clearance program account and with no funding to be made available from the sale of the industrial lands in Alpha West, it became apparent that only 2 or 3 of the eleven (11) residential properties could have been purchased at that time.

As a result of this shortfall in funding, the Planning and Property Departments jointly forwarded a report to City Council. Hence on December 8, 1992, City Council adopted Item #5 of the 21st Report of the Planning and Development Committee, approving that "the acquisition program for Alpha East (east of Sherman Avenue North), which was put on hold in December 1989, be resumed for the approximately eleven (11) residential properties remaining, on a willing seller/willing buyer basis with no expropriation contemplated, **when funding is available**". An additional recommendation in this report set out "that a new project submission form along with appropriate costs be submitted to the Capital Budget Sub Committee by the Planning Department as a new project for the 1993-2002 Provisional Capital Budget consideration". This submission was to obtain the funding necessary to complete the acquisition of the Alpha East properties. Pursuant to this latter recommendation, the Planning Department submitted a new project form for consideration by the Capital Budget Sub Committee. The request was for funds in the amount of $1.3 million to be made available to allow the completion of acquisitions of the remaining residential properties in the Alpha East Enclave. This submission (Property Acquisition Program - Alpha) was approved by City Council on January 29, 1993 as part of the 1993-2002 Capital Budget Program with a start year of 2001.

Subsequently, all the property owners who were in contact with the Property Department regarding the possible City acquisition of their properties were informed in writing in February 1993 that funding for this project had been deferred until 2001 by City Council on the recommendation from the Capital Budget Sub Committee. Also, that no further negotiations will take place until this funding is made available. The reasoning for this deferral to the year 2001 is the current lack of demand for industrial land and an effort not to decrease affordable housing stock in these recessionary times.

Since this time, the owner of the property at 48 Imperial Street (one of the properties located in the Alpha East Enclave) has again approached the City requesting that his property be purchased. The reasoning behind this request is that the owner, Mr. Bob Jugovic, feels his property has been isolated by the fact that it is surrounded by two (2) vacant lots, leaving the house which he leases out standing alone (Appendix "A"). There

3

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
APR 14 1993
CITY CLERKS

DATE: 1993 April 14
(CD-92-002)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Rental Housing Protection Act Application CD-92-002, Milkha Singh, owner, for conversion of 15 rental residential townhouse units to 15 residential condominiums, for property located at 293 Limeridge Road West, Hamilton; Rolston Neighbourhood.

SECOND REPORT

RECOMMENDATIONS:

A. That approval be given to Application CD-92-002, under the Rental Housing Protection Act, Milkha Singh, owner, for conversion of 15 rental residential townhouse units to 15 residential condominium units at 293 Limeridge Road West, Hamilton, since the proposal does not adversely affect the supply of affordable rental housing in Hamilton.

B. That the City Clerk execute the Certificate of Approval in a form satisfactory to the City Solicitor.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

An application under the Ontario Rental Housing Protection Act for the property at 293 Limeridge Road West in Hamilton was submitted to the City on December 21, 1992. The

proposal is to convert 15 rental residential townhouse units to residential condominiums. The subject property is shown on the attached key map.

The existing use on the site is a townhouse development, consisting of two blocks containing a total of 15 rental townhouse units. These are all three bedroom units, with monthly rents for 1993 ranging from $ 816.00 to $ 843.00. All units have one and a half baths, full basements and approximately 1,200 square feet floor area.

Three of the units (No. 3, 9, and 13) were vacant at the time that the application was submitted in December, 1992, and had been vacant since November 30, 1992. However, it should be noted that the Rental Housing Protection Act applies to vacant rental units, regardless of how long they have been vacant.

The owner is proposing to convert all 15 rental townhouse units to ownership condominiums, to be sold at prices ranging from $75,000 to $85,000.

The owner has determined that tenants in seven of the 15 units would be interested in purchasing their units, and have so indicated in writing. The conditions of this offer to the tenants, include the following (see attached offer):

- The tenants being offered first right of refusal to purchase the units;
- Purchase price of between $75,000 and $85,000; and,
- Option to purchase within two years.

These tenants have indicated that their mortgage payments would be lower than their present rents, under current economic conditions. Staff calculations have confirmed this, as outlined later in this report.

The applicant has also indicated that he is willing to offer long-term leases, of up to two years or longer, to tenants who wish to continue renting. Of the tenants in the other five occupied units, some are not interested in purchasing their units, and others are not willing to commit themselves at this time.

No renovations to the units are presently planned. The building was constructed in 1976, and is therefore only about 17 years old. The applicant has stated that the units are all fairly modern, and have some new appliances, new doors and copper plumbing. The Building Department has indicated that there are no outstanding work orders on the property.

This report was tabled by the Planning and Development Committee at its meeting of March 24, 1993, to enable the Ward Aldermen to discuss with the tenants their intentions regarding their units.

APPLICABILITY OF THE ONTARIO RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental units including renovations, conversions, demolitions and severances. The proposed

conversion of rental units to condominiums at 293 Limeridge Road West is subject to the Act. It should be noted that Council approval for the application is for the conversion only. Condominium approval is still required in order to register the condominium.

Evaluation Criteria

In reviewing this proposal, Council must consider the criteria which accompany the Rental Housing Protection Act (Section 7 of Ontario Regulation 586/89). They are as follows:

"7.-(1) The council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

1. Council finds that;

i) a rental property for which an application is made for demolition is structurally unsound, or

ii) a rental property for which an application is made for renovation or repair is structurally unsound at the time of the application and will continue to be structurally unsound if the renovation or repair proposed by the applicant is not carried out and, in the case where tenants are in occupation of the unit, that vacant possession is required to effect the renovation or repair.

2. The applicant agrees,

i) to provide the same number of new rental units in a similar rental range and in the same area as those for which approval is given, and

ii) to provide rental accommodation in the same area of similar quality and rent, either in the new rental units or in other existing rental property, to any tenant who is required to give up possession of a rental unit as a result of the approval.

3. In the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality."

In addition, Council should note that the Region of Hamilton-Wentworth Official Plan contains the following policy respecting condominium conversions:

"8.14 To consider the conversion of rental housing in projects with six or more units to condominium or equity co-operative tenure as premature and not in the public interest unless the rental vacancy rate in the Area Municipality in which the conversion is proposed exceeds 2%. Further, no conversion will be allowed which will lower the vacancy rate below 2%."

Criteria 1 of the Rental Housing Regulations is not applicable. This application will be therefore be evaluated against criteria #2 (i and ii) and criteria #3 of the Rental Housing Act Regulations. Policy 8.14 of the Regional Official Plan will also be considered.

ANALYSIS

Provision of Alternative and Replacement Units

Concerning the second criteria of the Regulations, namely clause 7(1)(2), the applicant has not indicated that he is prepared to rehouse existing tenants in rental units, and build new rental units to replace the converted units. Therefore, according to comments received from the Provincial Office of the Rental Housing Protection Program: " ...it does not appear that this application can be considered under the provisions of clause 7(1)(2) of the Regulation. However, Council may wish to discuss this alternative with the applicant."

It appears that Council can only consider this application under clause 7(1)(3) of the Regulation, which relates to the impact of the proposal on the supply of affordable rental housing.

Impact on the Supply of Affordable Rental Housing and Rental Vacancy Rates

City Council may approve a proposal under the third criteria of the Rental Housing Protection Act if, in Council's opinion, the proposal will not adversely affect the supply of affordable rental housing in the City.

a) Rents

The 1993 rents for these units range from $816 to $843. These rents are over the limit of the affordable range for the Hamilton area, as defined by the Provincial Land Use Planning for Housing Policy Statement (LUPHPS), Information Bulletin 1992. This policy states that units with rents of $810 or less per month are "affordable" for the Hamilton area.

The monthly rents for the subject units are also higher than average rents for this type of unit in this area of the City. Average rents for privately-initiated three bedroom row units in the City were $699 (as of CMHC data for October, 1992; Table 15 of Rental Market Report). Within the Hamilton Mountain zone, average rents for such units were $715, as of the same survey. The rents for the subject units are therefore 14% to 18% higher than this $715 average. Therefore, the units cannot be considered affordable.

b) Vacancy Rates

Historical trends in vacancy rates for the City and the Hamilton Mountain are contained in Appendix "A". The present rental vacancy rate for the City is at 2.6%, as of the most recent CMHC vacancy rate data for October, 1992. This rate increased to over 2% for the first time in several years in April, 1992. Prior to this, vacancy rates for the City had been increasing gradually over the previous few years. A healthy vacancy rate for a municipality is generally considered to be between 2% and 3%. The overall vacancy rate

for the Hamilton Mountain zone was at 1.2% in October, 1992, which represents a minor increase from the April, 1992 rate of 0.9% for this area, and is still below 2.0% to 3.0%.

The current vacancy rates for row units in the City and on the Mountain are contained in Appendix "B", and are at 3.5% and 3.2%, respectively. Approval of the proposal would cause a reduction in these vacancy rates to 3.3% and 2.9%, still healthy rates.

The Act states that City Council must be satisfied as to whether or not there is an adverse impact on affordable rental housing. The impact of the removal of these units from the supply of rental housing and vacancy rates, in the City and in Central Hamilton, is outlined in Appendix "C". It is noted the removal of these 15 units from the universe of 33,476 rental units in the City would reduce this supply by 0.04%. The overall vacancy rate for the City would be reduced from 2.56% to 2.55%. The loss of these units from the universe of 7,306 rental units in the Hamilton Mountain zone would reduce this supply by 0.2%.

c) Regional Official Plan

The provisions of the Rental Housing Protection Act supersede policies in place on a local level, such as the Hamilton-Wentworth Regional Official Plan policy, which states that applications for conversion of rental units to condominium will be considered premature unless the vacancy rate in the Area Municipality exceeds 2%. The Regional Official Plan policies are intended to complement the Act, and this policy in the Official Plan provides a general rule of thumb by which rental vacancy rates can be evaluated. The vacancy rate now has increased to the point at which there is a greater supply of available vacant rental units to meet the needs of tenants, on a City-wide basis. While the overall vacancy rates for this area of the City, namely the Mountain, are still below 2%, row housing projects are still above the 2% level. Therefore, the proposed conversion would comply with the Regional policy.

Other existing row housing developments in the vicinity of the subject property include a variety of tenure. Along the south side of Limeridge Road, between Garth Street and West Fifth, there are approximately ten row housing projects. Five of these are existing registered condominiums; three are owned by Victoria Park Homes; one by the Sons of Italy; and the remaining one, namely the subject property, is a private rental development.

Based on the foregoing statistics, it appears the loss of these 15 rental units would not cause a significant adverse impact on the supply of affordable rental housing, on the supply of row units, or on the related vacancy rates for the City or the Hamilton Mountain.

Affordability of Proposed Condominium Units

The proposed condominium units are to be marketed at prices which would place them well within the affordable range. Estimated selling prices were stated in the application as being $75,000 to $85,000 for these three bedroom units. Units selling for up to $149,500 are considered affordable for Hamilton, as defined by the Province's Land Use Planning for Housing Policy Statement (LUPHPS), Information Bulletin 1992.

The condominium units would be affordable to households with relatively low incomes. For example, a three bedroom unit selling in the proposed price range of $75,000 to $85,000 would be considered affordable to households with minimum annual incomes of $16,100 to $ 23,100 range. This is based on prevailing mortgage rates as of March 8, 1993, and a 5% to 25% down payment. It also assumes a maximum 30% of income devoted to housing costs. Such households would be in the 40th percentile of the housing market, in terms of income. By converting the units, the applicant is creating additional affordable home ownership units, from housing previously considered beyond the affordable range.

CONCLUSIONS:

This application, if approved, would result in a loss of 15 rental units from the supply of affordable rental housing in the City. The applicant is not proposing to provide both alternate and replacement units, to eliminate any loss of rental units, as outlined in the Act.

However, taking into account all relevant considerations, the proposal would not have a significant adverse impact on the supply of affordable rental housing in the City, as:

- The subject rental units are not in the affordable range. The current rents of $816 to $843 per month are over the limit of the affordable range for Hamilton, which is $810, as defined by the Province;

- The units in question are to be sold at prices from $75,000 to $85,000, which fall within the affordable range for ownership, being affordable to households in the lower income ranges. Mortgage payments would be lower than current rents paid by existing tenants. Conversion might assist some households to move into the ownership market;

- The applicant has offered in writing to provide the tenants the first right of refusal and opportunity to purchase their unit, at the stated price of between $75,000 and $85,000. To date, tenants in seven of the 15 units are interested in purchasing. This option is to be exercised within two years;

- The applicant has also indicated that he is willing to offer long term leases to any tenants who wish to continue renting their units. Therefore, tenants would not be forced to leave their homes if the conversion application is approved. Tenants in the income ranges to afford the rents in this project have several housing options, including rental housing and home ownership.

  In the case of previous applications, i.e. 515 Main Street East, Council has given approval for conversion on the condition that the owner enter into a legal agreement ensuring tenants the opportunity to continue renting their units as long as they wish. This is not being recommended in this case, as the housing units are beyond the affordable housing range. However, if there are concerns about the possible displacement of tenants as a result of conversion, Committee can request the Law Department to prepare an agreement with the owner, to ensure tenure of renters for as long as they wish.;

- The rental vacancy rates in the City is at 2.6%. This rate has been at over 2% for almost a year, which, although not a fixed ceiling, does indicate that there is a reasonable supply

of vacant units in the City as a whole. While the vacancy rate in this area of the City, namely Hamilton Mountain, is about 1.2% for all units, the vacancy rate for row units on the Mountain is 3.2%;

- Approval of the proposal would result in a 0.04% reduction in the City's overall supply of rental housing; and a 1.6% reduction in the supply of rental row units on the Mountain;

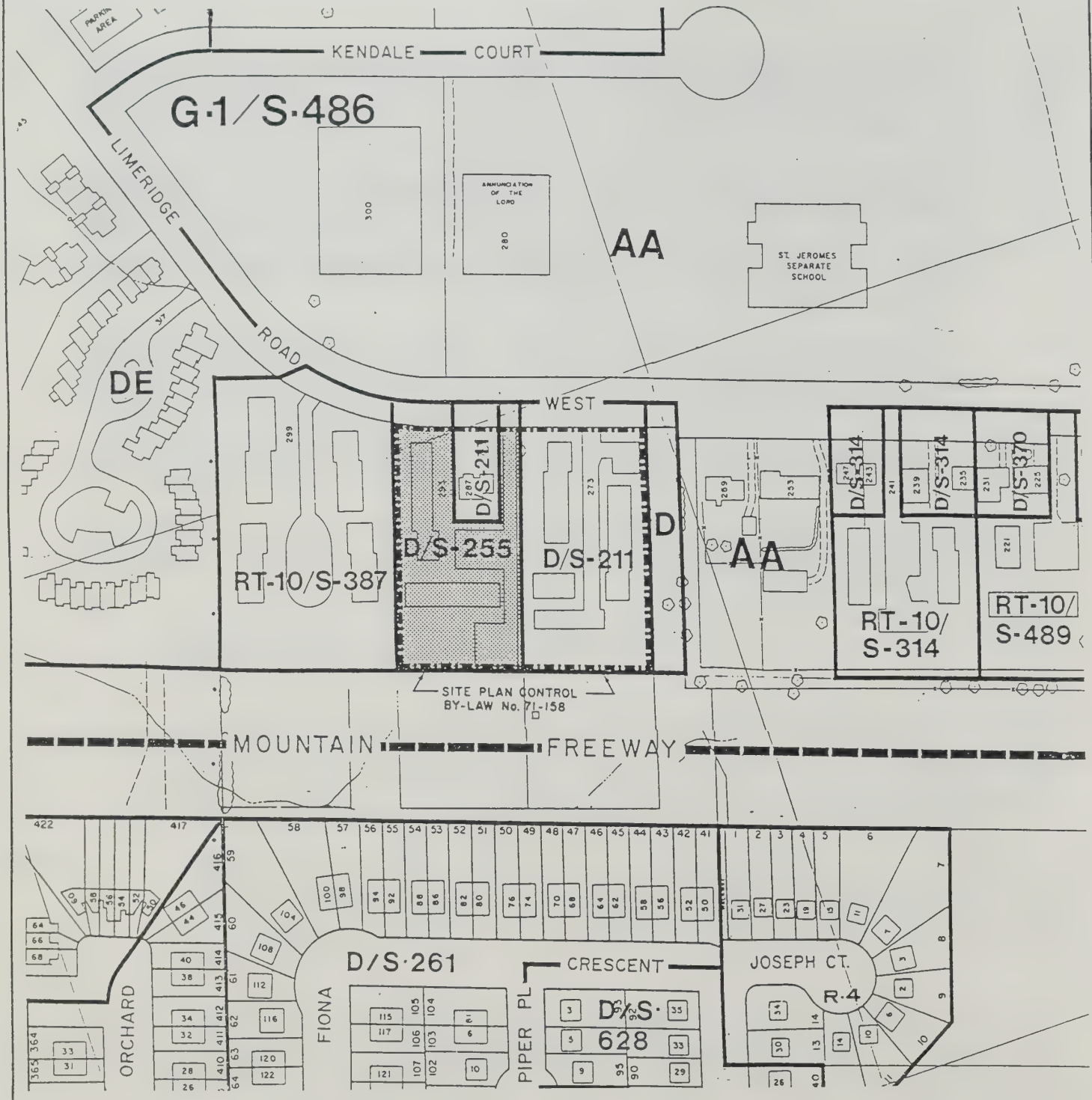
- There is a variety of row housing developments in the immediate vicinity of the subject property, offering a variety of tenure options; and,

- This application addresses the requirements of the Rental Housing Protection Act only. Further approval of the application as a condominium is still required, following Council approval under the R.H.P.A.

Therefore, approval of the application for conversion to condominium can be supported, based on the above factors.

Following approval by City Council, the City Clerk will execute the Certificate of Approval in a form satisfactory to the City Solicitor.

vg
CD92002.REP



NOTE: Extract from Rolston Neighbourhood Zoning Map and adjacent Gourley Neighbourhood.

City of Hamilton

Key Map

Rental Housing Protection Act

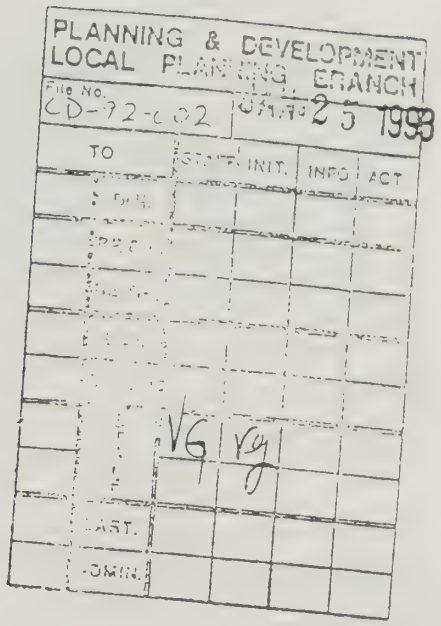
CD-92-002 293 Limeridge Road West

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	NOT TO SCALE	CD-92-002
	Date	Drawn By
	MARCH 1993	Z.K.



Mrs. VANESSA D. GRUPE PLANNER
PLANNING AND DEVELOPMENT
THE REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH

SUBJECT: CONDO CONVERSION 293 LIMERIDGE RD. WEST

DEAR SIR,

THE ATTACHED IS A LIST OF TENNENTS. WHO ARE QUITE INTERESTED
IN SHOWING THEIR INTENT TO PURCHASE THEIR UNITS AS CONDOMINIUMS.
ONCE THIS PROJECT IS APPROVED. MOST OF THE TENNENTS ARE LONG TERM
TENNENTS AND THEY WILL BE VERY HAPPY IF THEY CAN OWN THEIR UNITS.
THEY ARE LIVING IN
IN THE NEIGHBOUR HOOD ON BOTH SIDES OF THIS PROJECT. ARE
CONDOMINIUMS.

THEREFORE PLEASE APPROVE THIS APPLICATION FOR CONDOMINIUMS TO
ALLOW THE TENNENTS TO HAVE THIS OPPORTUNITY TO OWN THEIR PLACE
AT AN AFFORDABLE COST. IN FACT LESS THAN THE RENT THEY ARE PAYING
IN THE CURRENT ECONOMIC CONDITIONS.

THANKING YOU FOR YOUR COOPERATION

SINCERELY YOURS

MILKHA SINGH

DATED: 93/1/22

-similar letters from
7 tenants

1993 LIMEPIDGE RD. WEST CONDOMINIUM CONVERSION

TO WHOM IT MAY CONCERN

MILKHA SINGH (LANDLORD)

I WOULD BE INTERESTED TO PURCHASE THIS UNIT. I AM RESIDING IN AS CONDOMINIUM UNDER THE FOLLOWING CONDITIONS.

I MUST HAVE THE 1ST RIGHT OF REFUSAL.

PURCHASE PRICE BETWEEN $75000 TO $85000.00

I SHALL HAVE THE OPTION TO PURCHASE WITIN TWO YEARS.

I BELIEVE. UNDER THE CURRENT ECONOMIC CONDITIONS. M MORTGAGE PAYMENTS WILL BE LOWER THAN THE RENT I AM PAYING.

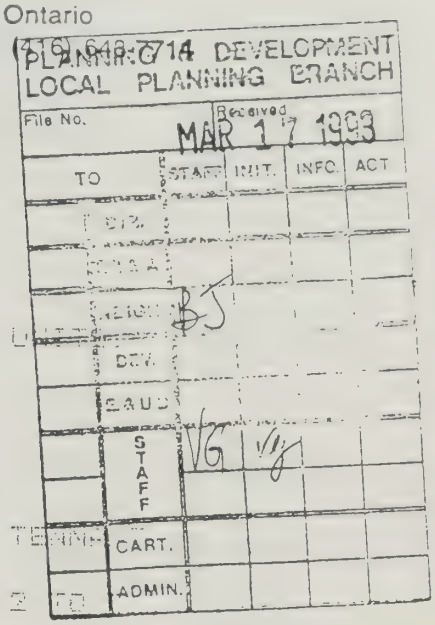
NAME: Sheri Leisemer

UNIT #: 1

DATED: Jan 21/93

WITNESS:

MILKHA SINGH
66 Terrence Park Dr.
Ancaster, Ontario
L9G 1C2 (416) 648-7714



MS. VANESSA D. DRUPE (PLANNER)
PLANNING AND DEVELOPMENT
THE REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH.

SUBJECT: CONDO CONVERSION OF 293 LIMERIDGE RD. WEST 15 U[illegible]

DEAR SIR.

I WILL BE PREPARED TO ENTER INTO AN AGREEMENT WITH EACH TENANT OF 293 LIMERIDGE ROAD WEST TO SIGN A TENNANCY LEASE FOR 2 TO YEARS ENDING DECEMBER 31, 1995. THIS WILL AVOID TENNANT DISPLACEMENT. THIS OFFER WILL BE MADE TO THE TENNANTS AND IT WILL BE BINDING ON BOTH PARTIES.

THANKING YOU FOR YOUR COOPERATION.

SINCERELY YOURS.

MILKHA SINGH

DATED: MARCH 17, 1993.

APPENDIX "A"

Vacancy Rates - Privately Initiated Buildings

Hamilton Mountain and the City of Hamilton

		City of Hamilton %	Hamilton Mountain %
October	1989	0.7	0.3
April	1990	1.0	0.2
October	1990	1.4	0.2
April	1991	1.6	0.7
October	1991	1.9	0.4
April	1992	2.6	0.9
October	1992	2.6	1.2

Notes:

- Vacancy rate is calculated from a survey of apartments with more than three units and rental row/townhouses, by CMHC.
- The Region of Hamilton-Wentworth recognizes the CMHC rates as the official rates to be used when applying Section 8.14 and 8.15 of the Regional Official Plan.
- A vacant unit is a dwelling unit that is available for immediate rental and physically unoccupied at the time of enumeration.
- Hamilton Mountain, as defined by CMHC, is the entire portion of the City of Hamilton which is located above the Escarpment, up to the south City limits.

Source:

- Central Mortgage and Housing Corporation (CMHC), October, 1992 Rental Market Reports for Hamilton CMA, Table 5; and previous volumes of this report.

APPENDIX "B"

Vacancy Rates - Row Units (Privately-Initiated)

Hamilton Mountain and the City of Hamilton

	City of Hamilton %	Hamilton Mountain %
Total Number of Units	1,412	944
No. of Vacant Units	49	30
Current Vacancy Rate	3.5%	3.2%
Impact of Removing 15 Rental Units (3 Vacant) From Supply of Units		
- Reduction in Units	15 or 1.1%	15 or 1.6%
- New Vacancy Rate	3.3%	2.9%

Notes:

- Vacancy rate is calculated from a survey of rental row/townhouses, by CMHC.
- A vacant unit is a dwelling unit that is available for immediate rental and physically unoccupied at the time of enumeration.
- Hamilton Mountain, as defined by CMHC, is the entire portion of the City of Hamilton which is located above the Escarpment, up to the south City limits.

Source:

- Central Mortgage and Housing Corporation (CMHC), October, 1992 Rental Market Reports for Hamilton CMA, Table 6.

APPENDIX "C"

Impact on Supply of Units and Vacancy Rates

In City and Hamilton Mountain Zone

of Proposed Condominium Conversion

	City	Hamilton Mountain
Number of Apartment Units	33,476	7,306
Number Currently Vacant	857	90
Current Vacancy Rate	2.56%	1.23 %
Impact of Removing 15 Rental Units (3 Vacant) From Supply of Units		
- Reduction in Units	15 or 0.04%	15 or 0.2%
- New Vacancy Rate	2.55%	1.19%

Notes:

- Vacancy rate is calculated from a CMHC survey of privately-initiated apartments with more than three units and rental row/townhouses.
- The Region of Hamilton-Wentworth recognizes the CMHC rates as the official rates to be used when applying Section 8.14 and 8.15 of the Regional Official Plan.
- A vacant unit is a dwelling unit that is available for immediate rental and physically unoccupied at the time of enumeration.
- Hamilton Mountain, as defined by CMHC, is the entire portion of the City of Hamilton which is located above the Escarpment, up to the south City limits.

Source:

- Central Mortgage and Housing Corporation (CMHC), October, 1992 Rental Market Report for Hamilton CMA, Table 5.

4.

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
1993
CITY CLERKS

DATE: 1993 April 13
(Regional File 25T-92010)

REPORT TO: Tina Agnello
Secretary of the Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: 1. Proposed Rezoning Application
2. Proposed Draft Plan of Subdivision "Kemp Estates"
3. Proposed Waiver of a Feasibility Study and Impact Analysis

RECOMMENDATION:

1. Zoning Application

That approval be given to amended Zoning Application 91-60, R.V. Kemp (in Trust), owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified, to permit single-family detached dwellings on property located at No. 146 Mount Albion Road, as shown on the attached map marked as "Appendix "A", on the following basis:

i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

ii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

a) Notwithstanding Sections 9(3)(ii) and 9(3)(iii) of By-law No. 6593, every building and structure, except a fence, shall be set back not less than 7.6 m from the "top of bank" as established by a survey according to the Hamilton Region Conservation Authority as shown on Appendix "B", extending along the westerly boundary between the "C" (Urban Protected Residential, etc.) District and the "AA" (Agricultural) District;

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-87 be notated S- ;

vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-87 for presentation to City Council;

v) That the proposed change and modification in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for lands located at No. 146 Mount Albion Road, as shown on the attached map marked as "Appendix "A".

The effect of the By-law is to permit development of the subject lands for single-family detached dwellings.

In addition, the By-law provides for the following variance as a special requirement:

- To require a minimum setback of 7.6 m for any building or structure, except a fence, from the "top of bank" as established by a survey according to the Hamilton Region Conservation Authority, along the westerly boundary between the "C" (Urban Protected Residential, etc.) District and the "AA" (Agricultural) District.

2. Subdivision Application:

(A) That approval be given to application 25T-92010, Ronald Kemp, owner, to establish a draft plan of subdivision in the area west of Mount Albion Road, and south of the T.H.& B. Railway Line, subject to the following conditions:

(1) That approval apply to the plan prepared by Ashenhurst Nouwens Limited, dated October 22, 1992, showing 10 lots for single family dwellings, and a Block for future residential purposes.

(2) That the final plan conform with the Zoning By-law approved under the Planning Act.

(3) That the street be dedicated to the City of Hamilton as public highway in the final plan.

(4) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(5) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(6) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the net area of the subdivision in the final plan.

(7) That the owner pay an amount equivalent to 5% of the land to the City of Hamilton for park purposes in accordance with the Planning Act.

(8) That the Owner establish a 9.0m radius on the east side of the road on the transition curve cul-de-sac bulb on Rouge Hill Court.

(9) That the applicant be required to enter into subdivision agreements with both the City and Region prior to the development of any portion of these lands.

(10) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(11) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(B) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-92010), Ronald Kemp, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

3. Waiver of the requirement of a Feasibility Study and Impact Analysis Waiver Request:

(A) That the request by Planning Initiatives, on behalf of R. Kemp, to waive the requirement of a Feasibility Study and Impact Analysis to permit the development, be approved; and,

(B) That the Regional Municipality of Hamilton-Wentworth be requested to concur with the decision of the City of Hamilton to waive the requirement of a Feasibility Study and Impact Analysis.

J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

Ronald Kemp

Agent:

Planning Initiatives Inc., Hamilton

Surveyor:

Ashenhurst Nouwens Ltd., Hamilton

Location:

The lands, comprising .767 ha, are located in the area on the west side of Mount Albion Road and south of the T.H.& B. Railway Line in the Red Hill Neighbourhood, City of Hamilton.

Land Use and Zoning:

	Existing Zoning	Existing Zoning
Subject lands	vacant	"AA" (Agricultural) District
Surrounding Lands		
to the north	single-family dwellings	"AA" (Agricultural) District, "B-1" (Suburban Agriculture and Residential, etc.) District, modified and "B-2" (Suburban Residential) District, modified
to the south	single-family dwelling and a public school	"AA" (Agricultural) District
to the east	single-family dwellings	"B-1" (Suburban Agriculture and Residential, etc.) District and "C" (Urban Protected Residential, etc.) District
to the west	vacant	"AA" (Agricultural) District

Rezoning Proposal:

The purpose of the proposed change and modification in zoning is to permit development of the subject lands for 10 single-family detached dwellings, together with a Block for future development with adjoining lands, in accordance with a draft plan of subdivision (see Appendix "B").

Subdivision Proposal:

The owner proposes to subdivide the lands into 10 lots for single-family dwellings, and a Block for future residential purposes.

Existing Development Controls:

Hamilton-Wentworth Official Plan

The lands are identified as "Existing Development" within the "Urban Policy Areas". The proposal does not conflict. It would appear that the lands also abut Environmentally Sensitive Area (ESA) No. 25 - "Red Hill Creek - King's Forest". An Environmental Impact Statement or waiver would we required as a precondition to development in accordance with Section 5.3.15 in the Region's Official Plan.

Hamilton Official Plan

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan. The following policies, among others, would apply:

"2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition to the above, the rear (western portion) of the subject lands fall within a designated "ENVIRONMENTALLY SENSITIVE AREA". As such, the following policies also apply to the proposal.

"3.2.1 Notwithstanding the land use designations shown on Schedule "A" and the accompanying policies, those lands identified on Schedule "D" as ENVIRONMENTALLY SENSITIVE AREAS will be preserved in a natural or undisturbed state, unless a study is carried out to determine the feasibility of development in these AREAS, as required in Policy 3.2.3 below. Accordingly, if it is proven that these AREAS can be developed, then the appropriate land use designation and policies will apply. In the interim, the primary uses permitted will be for open spaces, undeveloped parks, public or private recreational uses, conservation uses and those uses existing at the time of the approval of the Regional Official Plan.

3.2.3 Where development or redevelopment is proposed on lands designated ENVIRONMENTALLY SENSITIVE AREAS, Council will consider an amendment application to this Plan and/or the implementing Zoning By-law providing that the proposed use is compatible with the protection of the ENVIRONMENTALLY SENSITIVE AREA and the Parkway Belt West Plan, where applicable. For this purpose, Council will further require of the proponent that a Feasibility Study and Impact Analysis be undertaken by a qualified professional with expertise in environmental studies, and that this Study and Analysis contain the following:

i) A statement as to the environmental quality, uniqueness and character of the ENVIRONMENTALLY SENSITIVE AREA in which the proposed undertaking will occur;

ii) A description of the purpose of the undertaking, including:

a) a description of alternative methods of carrying out the undertaking;

b) an evaluation of the advantages and disadvantages to the environment of the undertaking; and,

iii) A description of:

a) the environment that will, or that might be expected to, be affected, directly or indirectly;

b) the effects that will, or might, be expected on the environment; and,

c) the actions that will, or that might, be required to prevent, change, mitigate or remedy the effects upon, or the effects that might reasonably be expected upon, the environment by the undertaking.

3.2.4 Council will provide the appropriate public authorities with an opportunity to review and make recommendations on the acceptability of the Feasibility Study and Impact Analysis for an ENVIRONMENTALLY SENSITIVE AREA.

3.2.6 Council may waive, with the concurrence of Regional Council, the requirement for a Feasibility Study and Impact Analysis provided it is determined by Council, in consultation with other agencies, that the Study and Analysis are not warranted.

3.2.7 Prior to granting any amendment specified in Policy 3.2.3 above, Council may consider entering into an agreement with the property owner to preserve all or part of the ENVIRONMENTALLY SENSITIVE AREA in a natural or undisturbed state.

3.2.8 Land abutting ENVIRONMENTALLY SENSITIVE AREAS will be developed in a manner to protect and complement the adjacent hazard and/or natural attributes.

3.2.9 In accordance with the Regional Official Plan, the boundaries of the Environmentally Sensitive Areas, as shown on Schedule "D", may be redefined as a result of a Feasibility Study and Impact Analysis, without an Amendment to this Plan."

The proposal will comply with the Official Plan once a Feasibility Study and Impact Analysis has been undertaken and endorsed by Hamilton City Council and Regional Council, or a waiver is granted by City Council with the concurrence of Regional Council.

Neighbourhood Plan

The subject lands are designated "Single and Double Residential" on the approved Red Hill Neighbourhood Plan. The proposal complies with the intent of the approved plan.

Niagara Escarpment Plan

The west portion of the site is designated "Escarpment Natural Area". The proposal would not conflict with the intent of the Niagara Escarpment Plan provided the lands to the west of the defined "top-of-bank" are excluded from development.

Zoning

The lands shown on APPENDIX "A" are to be rezoned to the "C" (Urban Protected Residential, etc.) District to permit the proposed development.

(1) Zoning Application

The following agencies were circulated and advised as follows:

- The Building Department, Traffic Department, Roads Department - Special Projects Office, and Ontario Hydro have no comments or objections.

- The Niagara Escarpment Commission has advised that:

"... the west portion of the subject lands is included in the Niagara Escarpment Plan and is designated Escarpment Natural Area. This designation recognizes a wooded ravine containing a stream and is defined as the lands to the west of the Top-of-Bank illustrated on the accompanying map prepared by Ashenhurst Nouwens Ltd. This ravine and stream forms part of the Red Hill Creek King's Forest Valley system which represents a significant Escarpment feature.

Lands that receive the Escarpment Natural Area designation are identified as such since they consist of Escarpment features and associated streams and valleys, wetlands, and forests which are relatively undisturbed. They are the most significant natural and scenic areas of the Escarpment and may also contain important geological features and plant/animal habitats.

The Plan's objective for Escarpment Natural Area designations are;

i) to maintain the most natural Escarpment features, stream valleys, wetlands and related significant natural areas;

ii) to encourage compatible recreation and conservation activities; and

iii) to maintain and enhance the landscape quality of Escarpment features.

The Plan achieves the above goals by limiting the variety and extent of development permitted to establish in this designation.

For example, plans of subdivision are not permitted in the Escarpment Natural Area because this type of development results in significant disruptions to and fragmentation of natural environments and their ecosystems.

To be consistent with the above Niagara Escarpment Plan policies, the ravine area should be excluded from the area proposed for development and should remain as open space

or undeveloped parkland. The lands to the west of the defined top-of-bank should be rezoned to an "A" District from its current "AA" District.

Staff have no objection to the granting of the Zoning By-law Amendment ZA-91-60 subject to implementation of the above mentioned zoning provisions which exclude the ravine area from the associated plan of subdivision."

- The Hamilton Region Conservation Authority has advised that:

" Authority staff have reviewed the above noted application and note that the application has been dealt with previously (see attached letter, dated November 5, 1991) by the Hamilton Region Conservation Authority. The attached letter outlines that portions of the property are regulated under Ontario Regulation 617/86, the Fill and Construction Regulations of the Hamilton Region Conservation Authority. In addition, the attached letter outlines the 7.62 metre top of bank requirement. From this information three (3) conditions of approval were outlined in regard to this change in zoning.

1. *That the top of bank be identified by H.R.C.A. staff in the field, surveyed and plotted on the zoning schedule;*

2. *That the zoning by-law identify a 7.6 metre setback from the surveyed top of bank, for all structural development.*

3. *That the "AA" (Agricultural) zoning be maintained for the area located below the surveyed top of bank.*

The top of bank has been identified by H.R.C.A. staff in the field. From this information, the configuration of the draft plan of subdivision has been changed to reflect the surveyed top of bank and the 7.6 metre setback. However, the 7.6 metre top of bank setback has not been identified in the zoning by-law and, the area below the surveyed top of bank is scheduled to be zoned Urban Protected Residential. The area below the surveyed top of bank should be zoned agricultural.

Based on the above, Authority staff do not have any objection to the above noted application, subject to the following conditions:

1. *That the zoning by-law identify a 7.6 metre setback from the surveyed top of bank, for all structural development.*

2. *That the "AA" (Agricultural) zoning be maintained for the area below the*

surveyed top of bank."

- The Roads Department has advised that:

" There are external watermains and separate storm and sanitary sewers available to service these lands. These lands should be developed through a satisfactory draft plan of subdivision.

All external servicing, road requirements. etc, will be dealt with at the draft plan of subdivision stage."

(2) Subdivision Application:

The following agencies have advised that they have no objection to the proposal:

- Ministry of Culture and Communications
- Roads Department - Special Projects Office
- Union Gas, Hamilton Hydro, Ontario Hydro, Bell Canada
- City Building Department
- Hamilton Board of Education

The following agencies have requested conditions to the draft approval:

- The Public Works Department provided the following comments:

"The Public Works Department has no objection to the proposed plan of subdivision for the above noted development.

The Parks Division requires the proposed grading plan for this development to confirm integration with the adjacent parkland.

In addition, this site may be subject to the review of the Hamilton Region Conservation Authority."

- The Hamilton-Wentworth Roads Department has provided the following information and conditions of draft approval:

"INFORMATION:

Municipal storm and sanitary sewers and watermains are available to service the three Lots fronting onto Mount Albion Road at the present time, and municipal storm and sanitary sewers as well as a municipal watermain are existing at the south end of Rouge Hill Court in order to service Lots 4 to 10 (inclusive) and Block 11.

No road widenings are required for this development on Mount Albion Road.

There will be no Regional Share for the cost of services for this development since there is no oversizing of underground services required.

The Hamilton Street and Railway have advised that a public walkway extending from Rouge Hill Court to Mount Albion Road would be convenient. The City of Hamilton may wish to consider this when approving the proposed draft plan.

RECOMMENDATIONS:

The owner must enter into a subdivision agreement with the City of Hamilton and the Regional Municipality of Hamilton-Wentworth, prior to the development of any portion of these lands.

A 9.0 metre Radius is required on the east side of the road on the transition curve of the Cul-De- Sac. (see attached sketch)

The submitted plan as prepared by J. P. Nouwens, O.L.S. and dated October 26, 1992, is satisfactory to the Transportation/Environmental Services Group subject to the above noted comments and recommendations."

(3) Waiver Request

The following agencies have reviewed the request to waive the requirements for a Feasibility Study and Impact Analysis and have no objections:

- The Hamilton Region Conservation Authority;
- The Ministry of the Environment; and
- The Niagara Escarpment Commission.

The Ministry of Natural Resources was circulated a copy of the waiver request but has not yet responded.

COMMENTS:

1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision, proposed amendments to the Zoning By-law to implement the plan, and a request to waive the development from the requirement for a Feasibility Study and Impact Analysis.

2. The proposal will comply with the Official Plan once a Feasibility Study and Impact Analysis has been undertaken and endorsed by Hamilton City Council and Regional Council, or a waiver has been granted by City Council with the concurrence of Regional Council. In this regard, the applicant has submitted the required Feasibility Study and Impact Statement to the Region for consideration and approval.

3. The proposal complies with the intent of the approved Red Hill Neighbourhood Plan.

4. The proposed change and modification in zoning can be supported for the following reasons:

    - it implements the intent of the Official Plan and the approved Red Hill Neighbourhood Plan which designate the subject lands "RESIDENTIAL" and "SINGLE and DOUBLE RESIDENTIAL" respectively;

    - it would be compatible with existing and proposed development contemplated in this area;

    - the requested changes in zoning are appropriate for the proposed development of the subject lands; and,

    - the development addresses the concerns of the Hamilton Region Conservation Authority and the Niagara Escarpment Commission with respect to establishing limits of ravine slopes ("top of bank"), and establishing appropriate zoning restrictions to protect the slopes.

5. The Hamilton Region Conservation Authority have requested that as a condition of zoning approval:

   a. the zoning by-law identify a 7.6 metre setback from the surveyed top of bank, for all structural development; and

   b. that the "AA" (Agricultural) zoning be maintained for the area below the surveyed top of bank.

   Accordingly, it would be appropriate to provide for a modification to the "C" (Urban Protected Residential, etc.) District in the amending By-law to require a minimum 7.6 m setback for any building or structure, except a fence, from the "top of bank" as established by survey according to the Hamilton Region Conservation Authority, along the westerly boundary between the "C" (Urban Protected Residential, etc.) District and the "AA" (Agricultural) District.

6. The request to waive the requirement of a Feasibility Study and Impact Analysis can be supported for the following reasons;

   - The proponent has submitted an Environmental Analysis prepared by their planning consultant for the subject lands which clearly defines the environmental features. According to the report, the site is currently vacant and was used as an orchard and hay field. None of the existing vegetation found on site are considered environmentally significant. However, the consultant has recommended a number of special development techniques which will minimize development impacts on the environment;

   - The Environmental Analysis has been reviewed by the Ministry of the Environment; the Hamilton Region Conservation Authority and the Niagara Escarpment Commission and no objections were received, subject to various conditions related to the location of development in proximity to the defined "top-of-bank"; and

   - While the Ministry of Natural Resources have not yet responded to the waiver request, the Hamilton-Wentworth Region as part of their consideration of the City's request to concur with the waiver, will endeavour to obtain comments from this agency prior to any decision.

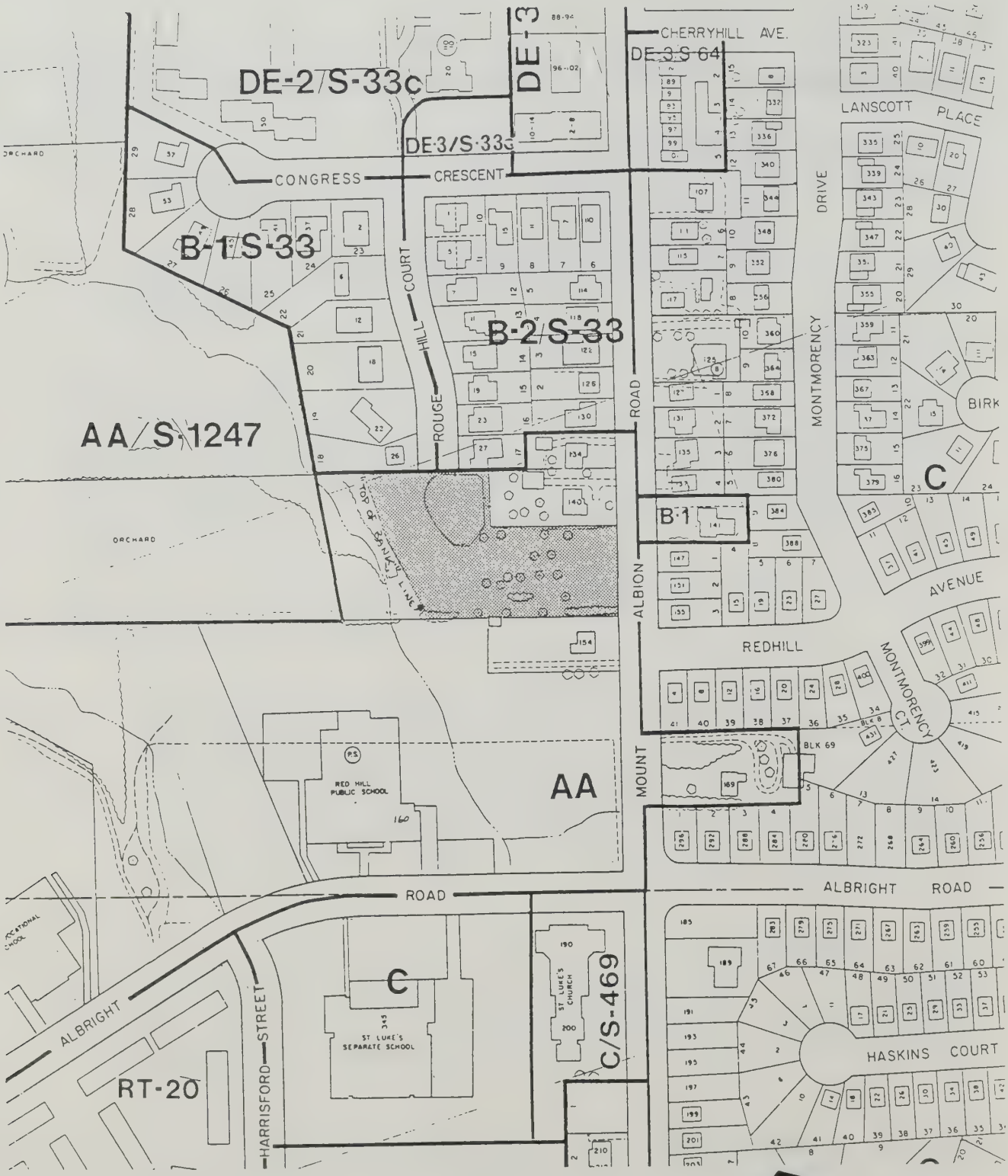
CONCLUSION:

On the basis of the foregoing, the proposal to:

- amend the zoning by-law;
- approve the draft plan of subdivision; and
- waive the requirement for a Feasibility Study and Impact Analysis,

can be supported.

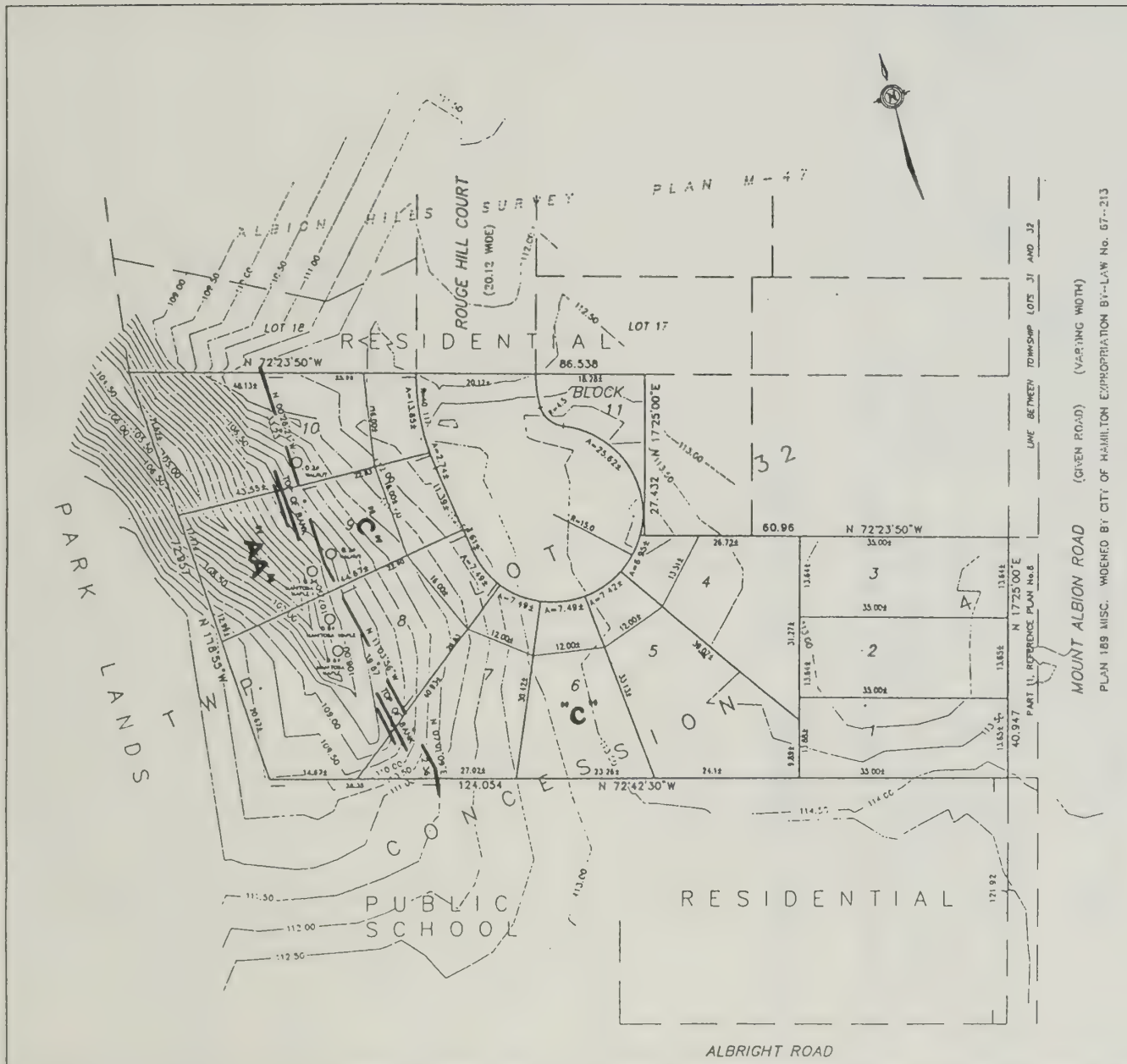
RL\T-92010.RE1
Attach.



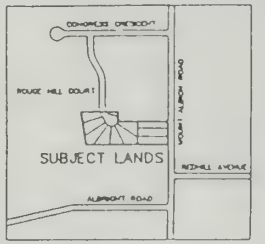
Legend

Site of the Application

APPENDIX A



KEY PLAN
NOT TO SCALE



METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

OWNER'S CERTIFICATE

IN ACCORDANCE WITH SECTION 50(2) OF THE PLANNING ACT 1983, I HEREBY AUTHORIZE ASHENHURST NOUWENS LIMITED TO SUBMIT THE PLAN OF KEMP ESTATES TO THE REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH, FOR APPROVAL

OCT. 28/92
DATE

RONALD KEMP
OWNER

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED, AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS, ARE ACCURATELY SHOWN

Oct 26/92
DATE

JOHN P. NOUWENS
ONTARIO LAND SURVEYOR

SCHEDULE : RE : SECTION 50(2)

A. SHOWN
B. SHOWN
C. SHOWN
D. RESIDENTIAL-SINGLE FAMILY
E. SHOWN
F. SHOWN
G. SHOWN
H. MUNICIPAL WATER
I. CLAY
J. SHOWN
K. MUNICIPAL SERVICES TO BE AVAILABLE
L. NONE

DRAFT PLAN OF
KEMP ESTATES
BEING A PROPOSED SUBDIVISION OF
PART OF LOT 32, CONCESSION 4
IN THE GEOGRAPHIC TOWNSHIP OF SALTFLEET
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:500 10 0 10 20 30 METRES

JOHN P. NOUWENS ONTARIO LAND SURVEYOR - 1992

ASHENHURST NOUWENS LIMITED
Professional Engineers & Ontario Land Surveyors
201-315 YORK BLVD.
HAMILTON, ONTARIO L8R 3K5
(416) 529-6316
(416) 529-4314
FAX(416) 529-6651

BRANCH OFFICE
15A MAIN STREET EAST
GRIMSBY, ONTARIO L3M 1M7
(416) 945-4599

DRAWN BY	M.T.	CHK'D BY	J.P.N.
DWG DATE	OCT.22/1992	FILE No.	912040P0

APPENDIX

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee dated 1993 Apr 2

4a

FILE - ZA-91-60

Frank Baldassari
151 Mount Albion Rd.
Hamilton L8K 5S7
561-1232

Dear sir
we (Frank & Mary Baldassari) are opposed in changing the zoning By-law for this area. While we reside on this busy street with the traffic the way it is we need new homes built like we need a hole on the head. Untill something is done about the traffic, no way we will support the change. You people up City Hall do not have a clue what is like to leve on this street, to try to get out of the drive way is like merging into the 401 and you want to built more homes? No Bloody way.

Sincerly Frank Baldassari

Dominic Agostino

Alderman Ward 5 Regional Councillor

City of Hamilton



Health & Social Services Committee -Chairman

Hamilton Farmer's Market Subcommittee -Chairman

Visible Minorities Representation Subcommittee -Chairman

Employee Suggestion Subcommittee -Chairman

TKS Investigation Subcommittee -Chairman

Hamilton Parking Authority Committee -Vice-Chairman

Parks and Recreation Committee -Member

Economic Development Committee -Member

Airport Management Board -Member

CFL Hall of Fame Committee -Member

Status of Women Subcommittee -Member

Regional Audit Committee -Member

Hamilton Civic Hospitals Board -Member

Art Gallery of Hamilton Board -Member

Hamilton Scourge Project Committee -Member

Association of Municipalities of Ontario - Executive Board -Member

Procedural By-Law Subcommittee -Member

1993 April 7

RECEIVED

APR 0 8 1993

CITY CLERKS

Ms. T. Agnello, Secretary,
Planning and Development Committee

Dear Tina:

Please find attached a copy of a letter I have received in opposition to the changing of Zoning By-Law ZA 91-60.

Thank you for your attention to this matter.

Yours sincerely,

DOMINIC AGOSTINO, ALDERMAN,
WARD 5

DA:tb

Attch.

City Hall, 71 Main Street West,Hamilton, Ontario L8N 3T4 Tel. 546-2730 · Res. 574-0179 Fax 546-2535

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee dated 1993 Apr. 7.

4b

Miss Janine Denton
140 Mount Albion Road
Hamilton, Ontario. L8K 5S8
(416)561-1331

April 5, 1993.

Secretary
Planning and Development Committee
City Hall
71 Main St. W.
Hamilton, Ontario. L8N 3T4

RECEIVED
APR 05 1993
CITY CLERKS

Attention: Planning and Development Committee

Re. Planning Department File ZA-91-60

Dear Sir,

Please find enclosed a business reply card for File ZA-91-60, the proposed change in zoning to permit development of 10 single-family detached dwellings on the land west of Mount Albion Road and North of Albright Road. Although single-family detached dwellings are the preferred type of development, I am opposed to the zoning change for a couple of reasons.

I have lived at 140 Mount Albion Road for 40 years. During this time I have seen enormous changes in my neighborhood. Some of the changes I approved of; many others I did not. However, this is the first time I have formally opposed a change.

CONCERN NO. 1: Water drainage in the area is already a problem.

Each time a new survey has been developed, the natural water drainage system of our neighborhood has been upset. Small streams and tributaries of the Red Hill Creek have been filled in. The storm sewers are not always capable of handling the run-off. Last summer Mount Albion Road was temporarily closed during one storm due to flooding in our immediate area.

The land subject for rezoning is at present the "lowest" lying property in the area. Our home is approximately at the level of the sidewalks. The soil level is one brick below our basement windows now. (Originally the houses at 140 and 134 Mount Albion Road were well above the level of the road but when Mount Albion Road was paved during the early 1970's, the level of the road was raised 2 to 3 feet.)

If new homes are build on the subject land "in the same manner that homes were build in area B-2/s-33 as well as the area on the east side of Mount Albion Road", I am very concerned that the subject land will be raised well above the level of my home and we will see more flooding of our property.

CONCERN NO. 2: Part of the subject land may not be stable enough for buildings.

It has been proposed that 10 single-family detached dwellings be built. To fit this many houses on the subject land, some houses are to be situated on the western most section of the subject land.

This section was originally part of a small stream bed, and the area was "filled-in" about 15 years ago. At that time, a car and a green house were covered over.

Although the small stream bed is dry most years, such was not the case during Hurricane Hazel. This area may not be "stable" enough for buildings.

I hope to attend the Public Meeting on April 21, 1993. However, if this is not possible, would you please submit this letter to the Planning and Development Committee. Thank you.

Yours sincerely,

Janine Denton

V. Janine Denton.

5.

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
2:15
CITY CLERKS

DATE: 1993 April 1
ZAR-93-05
Carpenter Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in zoning - No. 667 Rymal Road West.

RECOMMENDATION:

That approval be given to Zoning Application 93-05, Maria Miceli, owner, for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to permit future development for single-family dwellings, on property located at No. 667 Rymal Road West, as shown on the attached map marked as Appendix "A", on the following basis:

i) That the subject lands be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27-E for presentation to City Council; and

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, for property located at No. 667 Rymal Road West, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit future development of the subject lands for single-family dwellings.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The purpose of the proposed change in zoning is to establish the appropriate zoning to permit development of the subject lands for single-family dwellings. In this regard, it is understood that the applicant intends to relocate the dwelling (No. 643 Rymal Road West) currently situated within the proposed road allowance for the extension of Upper Paradise Road, onto a portion of the subject lands. To-date, a land severance application has not been filed by the applicant to determine how the property is to be subdivided.

- By-Law 92-288

  On November 24, 1992, City Council passed By-law 92-288 which rezoned lands located immediately to the south of the subject lands from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District. The effect of the By-law is to permit development of the lands for single-family dwellings. The By-law came into effect on December 24, 1992.

APPLICANT:

Maria Miceli, owner.

LOT SIZE AND AREA:

- 30.48 m (100.0 ft.) of lot width on Rymal Road West;
- 83.51 m (274. 0 ft.) of lot depth; and
- 2,545.46 m^2 (27,400.0 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject lands	single-family dwelling	"B" (Suburban Agriculture and Residential, etc.) District
Surrounding lands		
to the north	vacant	"AA" (Agricultural) District
to the south	vacant	"C" (Urban Protected Residential, etc.) District
to the east	vacant	"C" (Urban Protected Residential, etc.) District
to the west	single-family dwellings	"B" (Suburban Agriculture and Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan. The following policies, among others, would apply:

"2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;"

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE and DOUBLE RESIDENTIAL" on the approved Carpenter Neighbourhood Plan. The proposal complies with the intent of the approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Building Department, Traffic Department, Hamilton Region Conservation Authority, and the Niagara Peninsula Conservation Authority have no comments or objections.

- The Roads Department has advised that:

  "There are public watermains available to service these lands. Storm and sanitary sewers are planned to be constructed, within this section of Rymal Road, in 1996. The rear lands can be serviced once the sewers are constructed in Highridge South Phase - 1 later this year.

  The designated road allowance width of Rymal Road is 36.0 m. In accordance with this designation, we recommend that as a condition of development approval, that a strip of land 4.8936 m in width be dedicated to the Region for road widening purposes.

  It is unclear at this time as to what extent this property will be developed. We therefore recommend that the zoning by-law for these lands require a front yard from the ultimate widened limits of Rymal Road to ensure that the road widening is not encumbered and that all structures are setback taking into consideration the Rymal Road road widening.

  Any change in access or new access to Rymal Road requires the approval of the City of Hamilton Traffic Department.

  Further comments will be provided at such time as specific plans are submitted for our review."

COMMENTS:

1. The proposal complies with the intent of both the Official Plan and the approved Carpenter Neighbourhood Plan.

2. The proposal has merit and can be supported for the following reasons:

   - it implements the intent of both the Official Plan and the approved Carpenter Neighbourhood Plan which designate the land "RESIDENTIAL" and "SINGLE and DOUBLE RESIDENTIAL" respectively;

   - it would be compatible with existing and proposed development in the surrounding area;

   - it represents infill development within a strip of established single-family dwellings; and

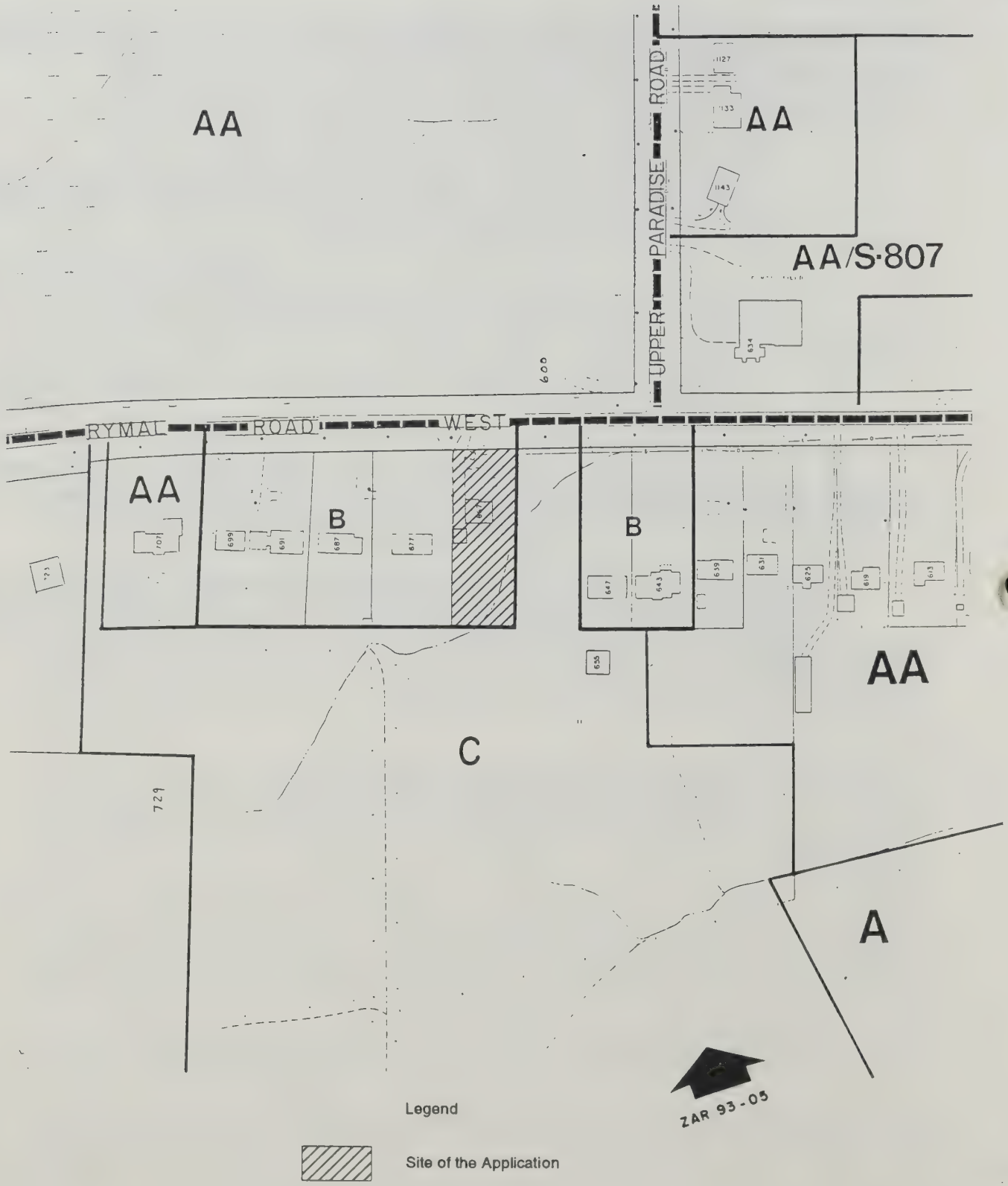
   - it will allow for the rear portion of the subject lands to be developed in conjunction with the adjoining "C" zoned lands to the south (Highridge South Phase 1 Draft approved plan of subdivision - see Appendix "B").

3. For the information of the Planning and Development Committee, matters such as road widenings, grading plans, outstanding servicing costs, etc. can be addressed at the land severance stage of development approval. To-date, a Land Severance Application has yet to be filed.

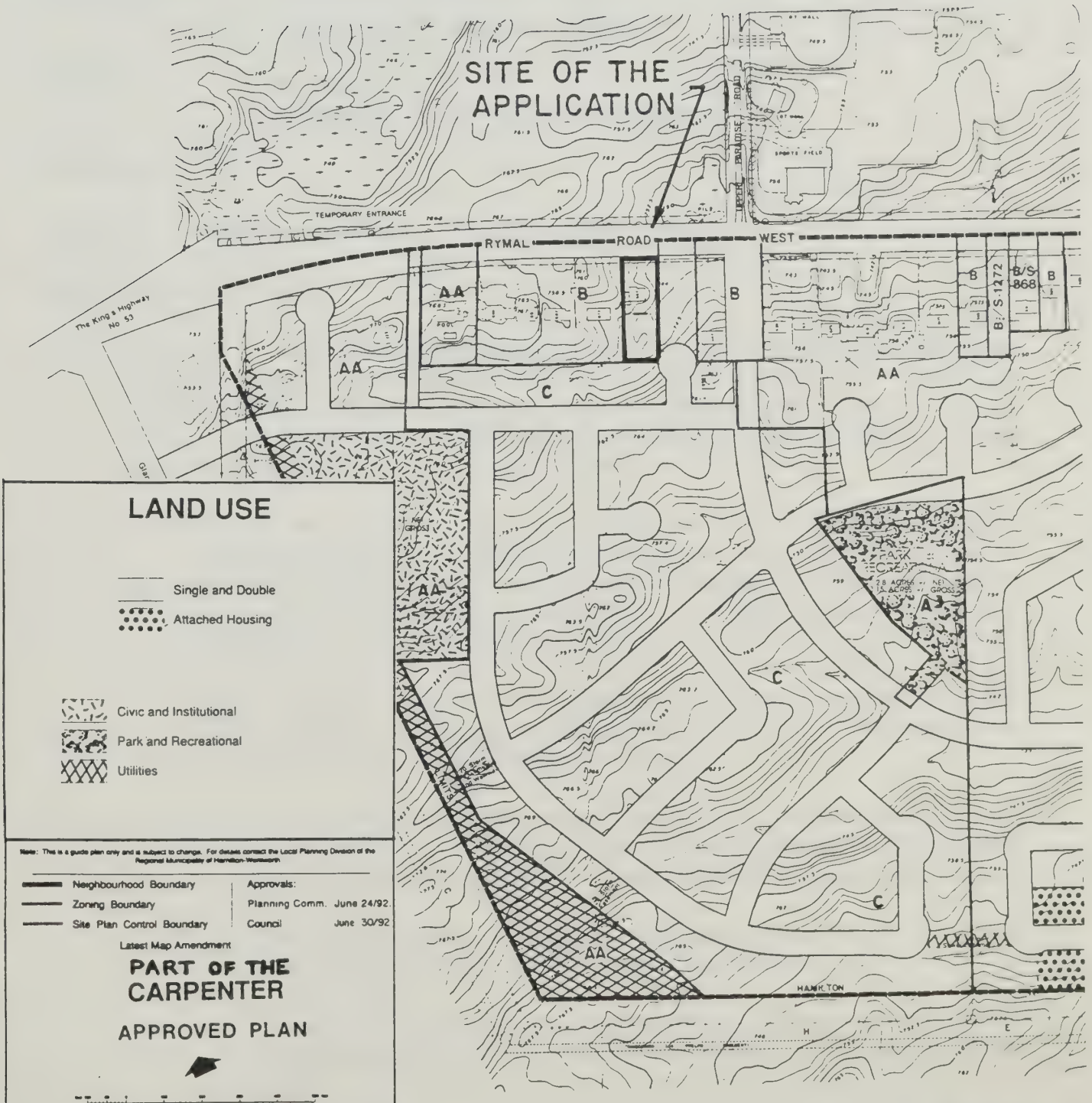
CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/
WPZA9305


AA
AA
AA/S-807
UPPER PARADISE ROAD
RYMAL ROAD WEST
600
AA
B
B
AA
C
729
A
1127
1133
1143
634
701
699
691
687
671
647
643
639
631
625
619
613
655
721
ZAR 93-05
Legend
Site of the Application

APPENDIX A



APPENDIX B

ZAC-92-05

6.

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
APR
CITY CLERKS

DATE:	April 13, 1993 ZAC-93-07 Macassa Neighbourhood
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee
FROM:	Mr. J. D. Thoms Commissioner of Planning and Development

SUBJECT:

Request for a modification in Zoning - 796 Upper Gage Avenue.

RECOMMENDATIONS:

A. That approval be given to Zoning Application 93-07, P.X. Dermody Funeral Homes, prospective owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit a funeral home within the existing building, for the lands located at 796 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.0., to the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as a Site Plan Control Application has been submitted and approved.

City Council may remove the "H" symbol, and thereby give effect to the "H" District -Modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

ii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject property be modified to include the following variances as special requirements:

a) That notwithstanding Section 14.(1) of Zoning By-law No. 6593, a funeral home shall be permitted within the existing building;

b) That notwithstanding Section 18A(7) of Zoning By-law No. 6593, one (1) parking space may have dimensions not less than 2.7 m wide and 5.4 m long;

c) That Section 18A(26) of Zoning By-law No. 6593 shall not apply;

d) That Section 18A(11) of Zoning By-law No. 6593 shall not apply to the northerly lot line for a distance of 20.0 m from the front lot line;

e) That a minimum 0.5 m landscaped planting strip, and a visual barrier not less than 1.2m in height and not greater than 2.0 m in height, shall be provided and maintained along the northerly lot line for a distance of 20.0 m from the front lot line;

f) That a minimum 3.0 m wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly lot line;

g) That a minimum landscaped area not less than 15% of the lot area shall be provided and maintained at grade;

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-38 be notated S- ;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38 for presentation to City Council;

v) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

B. That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the subject lands to Schedule "A".

EXPLANATORY NOTE:

The amending By-law establishes the holding provisions of Section 36(1) of the Planning Act, R.S.O., on the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as a Site Plan Control Application has been submitted and approved.

City Council may remove the "H" symbol, and thereby give effect to the "H" District - Modified provisions as stipulated in the amending By-law outlined below once the condition is fulfilled.

The purpose of the by-law is to provide for a modification in zoning to the established "H" (Community Shopping and Commercial, etc.) District, for the property located at 796 Upper Gage Avenue, as shown on the attached map.

The effect of the By-law is to permit a funeral home within the existing commercial building.

In addition, the By-law provides for the following variances as special requirements:

- Permits the access/egress driveway along the northerly property line to be located not less than 0.5 m minimum from the common boundary with the adjoining residential district, whereas a 3.0 m minimum distance separation is required;

- Requires a minimum 0.5 m wide planting strip, whereas 1.5 m is required, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, to be provided and maintained along the northerly lot line for a distance of 20.0 m from the front lot line;

- Requires a minimum 3.0 m wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, to be provided and maintained along the westerly lot line of the property;

- Permits one (1) parking space to have a reduced length of 5.4 m, whereas 6.0 m is required; and,

- Requires a minimum landscaped area of not less than 15% of the lot area to be provided and maintained at grade.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant is requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit a funeral home within the existing building. A total of twenty-four (24) parking spaces are to be provided.

APPLICANT:

P.X. Dermody Funeral Homes, prospective owner.

LOT SIZE AND AREA:

- 30.48 m (100 ft.) of lot frontage on Upper Gage Avenue;

- 55.78 m (183 ft.) of lot depth; and,

- 0.17 ha (0.42 ac.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant Commercial	"H" (Community Shopping and Commercial, etc.) District

Surrounding Lands

to the north	Single-Family Residential	"C" (Urban Protected Residential, etc.) District
to the south	Car wash	"H" (Community Shopping and Commercial, etc.) District
to the east	Seniors Multiple Dwelling	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the west	Single-Family Residential	"C" (Urban Protected Residential, etc.)

OFFICIAL PLAN:

The subject lands are designated ***Commercial*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area.

A.2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region.

A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,

iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

There is no approved plan for the Macassa Neighbourhood.

RESULTS OF CIRCULARIZATION:

- The following Department and agencies have no comments or objections:

  - Union Gas; and,
  - Hamilton Region Conservation Authority.

- The Hamilton-Wentworth Engineering Department has advised that:

  "There are public watermains and separate storm and sanitary sewers available to service these lands.

  According to our records, the Region previously acquired the required 5.18 m road allowance widening adjacent to the subject lands. The widening was incorporated into the road allowance by By-law No. 73-263 and registered as Instrument No. 312079 A.B. We do not anticipate any further road allowance widenings at this time.

  According to plans submitted by the applicant, it is intended that extensive plantings be placed within the Upper Gage Avenue road allowance, as widened. The Region's Roads Use By-law permits sodding and the planting of annual flowers within the road allowance. Should the applicant wish to pursue the landscaping within the road allowance, a landscaping agreement with the Region is required and be included as a condition of development approval. The types of vegetation must conform to the By-law and the maximum mature height of any plant material within the road allowance must not exceed a height of 0.60 m above the corresponding perpendicular centreline elevation of Upper Gage Avenue.

  To ensure adequate motorist visibility between the accesses, the parking area, etc. we require that the proposed entrance wall with columns, adjacent to the Upper Gage Avenue road allowance, not exceed a height of 0.60 m above the corresponding perpendicular centreline elevation of Upper Gage Avenue. No portion of the wall, columns, footings, etc. are to encroach into the road allowance.

Comments from the City of Hamilton Traffic Department with respect to access width, approach approvals, etc. should be considered.

Prior to doing any works within the road allowance, the applicant requires the approval of our Office and the respective utility companies. Any costs associated with these works are the sole responsibility of the applicant/owner.

We require 5 m by 5 m daylight triangles between the accesses and the Upper Gage Avenue road allowance limits, as widened, in which the maximum height of any objects, mature vegetation etc. must not exceed a height of 0.60 m above the corresponding perpendicular centreline elevation of Upper Gage Avenue."

- The Building Department has advised:

"1. As previously stated, the use is not permitted.

2. Required parking are 24. Shown is 23.

3. The northerly access driveway is not the required 3.0 m from the boundary of the residential district.

4. A 1.5 m planting and visual barrier are required along the complete northerly line and along the westerly property line where it abuts the paved area.

5. The asphalt paved area at the rear must be at least 3.0 m from the property line."

- The Traffic Department has advised:

"In response to your letter of February 12, please be advised that we have reviewed this application and, subject to the required parking being supplied, we find it satisfactory."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

a) It is suitably located on a major road and in close proximity to a major intersection (i.e. Upper Gage Avenue and Mohawk Road East);

b) It is compatible with existing land use in the surrounding area and is no less feasible than the prior commercial establishment (i.e. restaurant) and other uses that are permitted as-of-right (i.e. automobile service station, professional offices, etc.); and;

c) Adequate landscaping will be provided to screen and buffer potential negative spill over effects emanating from the proposed parking area (i.e. noise, headlight glare) onto the adjoining residential properties.

3. The applicant has revised the preliminary site plan to accommodate the required number of parking spaces and loading space (see Appendix "B"). However, approval of the application would require the following variances:

- Access/Egress Driveway

  The access/egress driveway along the northerly lot line will be located 0.5 m minimum from the common boundary with the adjoining residential district, whereas a 3.0 m distance separation is required. The access/egress driveway for the adjacent residential property immediately abuts this boundary line, thus a greater separation is not necessary as this requirement is usually intended to mitigate potential negative spill over effects (i.e. noise, headlight glare, etc.).

- Parking

  One (1) parking space will be 5.4 m long whereas 6.0 m is required. In order to preserve existing trees along the southerly lot line one parking space will be reduced in length and utilized by smaller vehicles.

4. In addition, it is recommended that approval of the application be subject to the following special requirements:

- Buffering and Screening

  The applicant has proposed a minimum 3.0 m wide landscape planting strip and a 1.8 m high wood fence along the westerly lot line at the rear of the existing building abutting the residential district.

  Furthermore, as per the "Parking and Loading Requirements" of the zoning by-law, a minimum 1.5 m landscaped planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height will extend along a portion of the northerly lot line abutting the residential district. However, a 0.5 m minimum landscaped planting strip has been proposed along the remaining portion for a distance of 20.0 m from the front lot line.

  These landscape planting strips are intended to mitigate any potential negative spill-over effect (i.e. noise, headlight glare, etc.).

- Landscape Area

  The applicant has indicated that a minimum 80.25 m^2 (15%) of landscaped area will be provided at grade and located predominately at the rear of the building (i.e. patio) and along the northerly and westerly lot line to buffer the adjacent residential district. The "H" zoning district does not have a requirement for landscape area.

Accordingly, it would be appropriate to require the above-mentioned landscape planting strip, visual barrier, and landscape area as proposed.

5. Although the applicant intends to utilize the existing building, it will be necessary to alter the existing parking area and provide additional landscaped areas to achieve the layout shown on the preliminary site plan (Appendix "B").

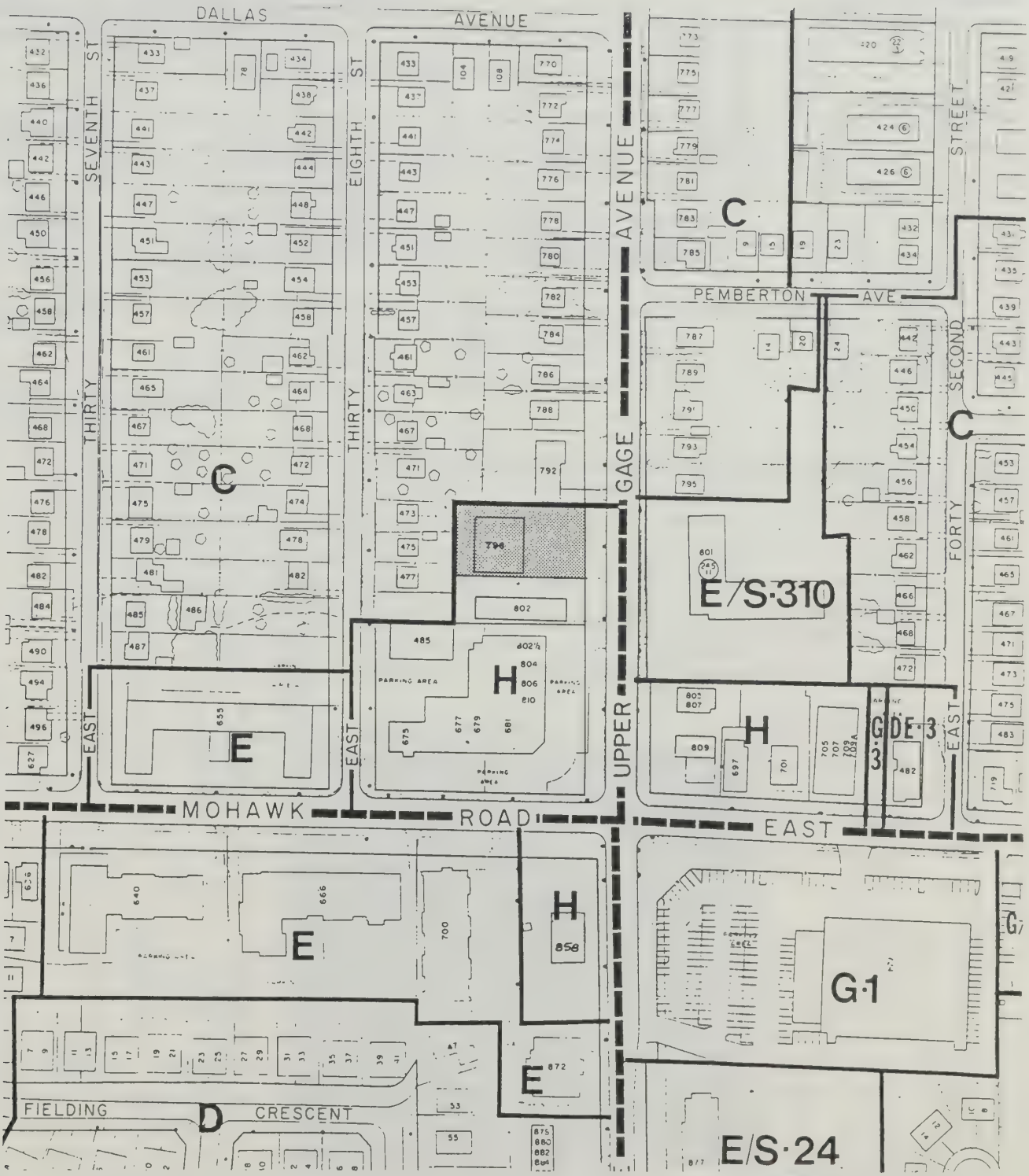
However, the lands are not subject to Site Plan Control By-law 79-275, as amended by By-law No. 87-233. Thus, it would be appropriate to place the lands under Site Plan Control so that concerns regarding the parking layout, grading, fencing, landscaping, etc. can be satisfied.

Furthermore, the subject lands should placed in a holding zone, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision would prohibit the development of the subject lands until such time as a Site Plan Control Application has been submitted and approved. City Council may remove the "H" symbol, and thereby give effect to the "H" District - Modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JL/
ZAC9307



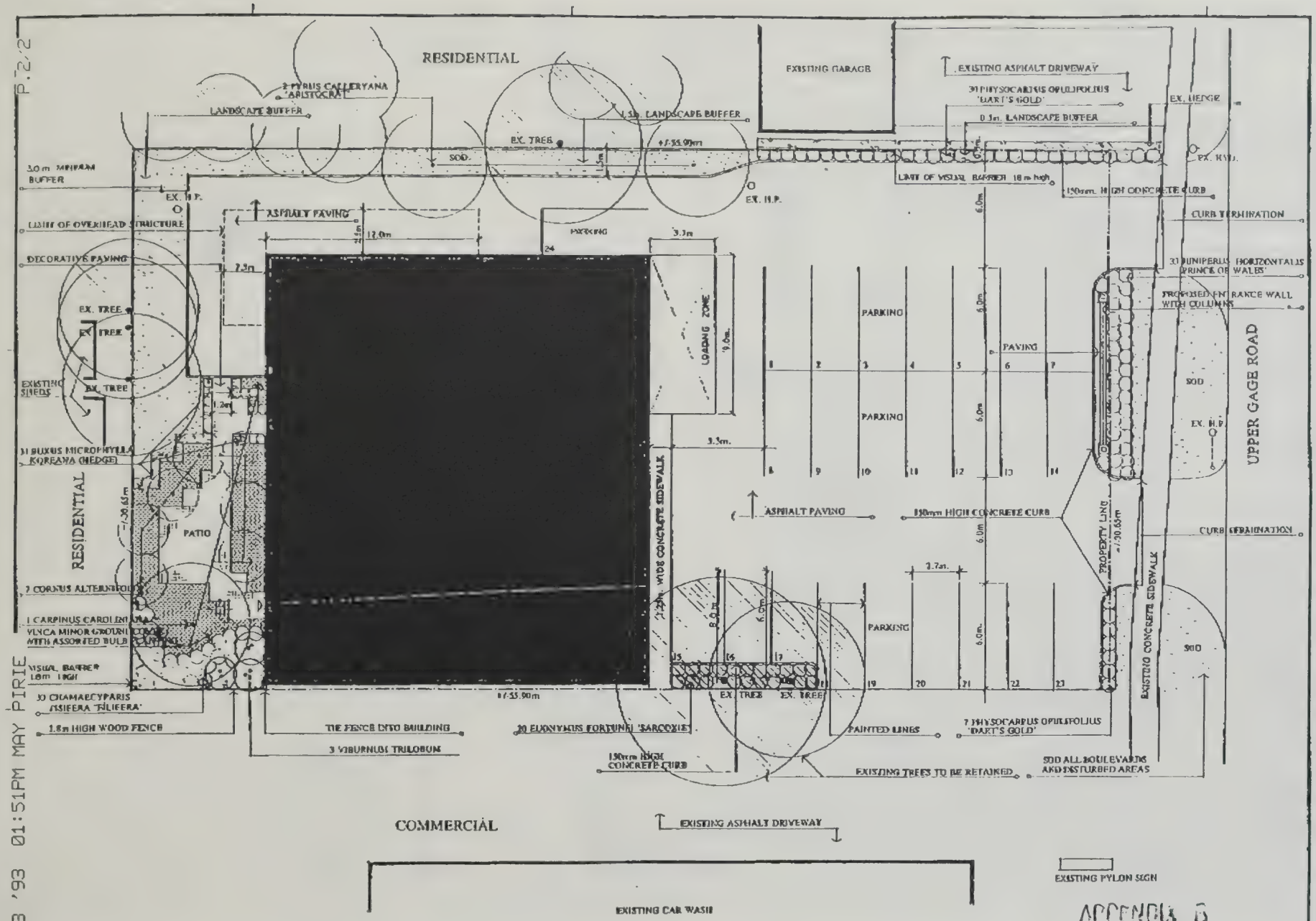
Legend

Site of the Application

ZAC-93-07

APPENDIX A

APR 13 '93 01:51PM MAY PIRIE P.2/2



APPENDIX D

REDEVELOPMENT CONCEPT

796 UPPER GAGE ROAD HAMILTON, ONTARIO

25

KEY PLAN

No	DATE	DESCRIPTION
1	MAY 93	REVISED PER SITE COMMENTS

REVISIONS

BASCIANO O'CONNOR LANDSCAPE ARCHITECTS

UPPER GAGE FUNERAL HOME

796 UPPER GAGE ROAD HAMILTON, ONTARIO

LANDSCAPE PLAN

SCALE 1:100	CHECKED
DATE MAY 93	DRAWING L-1
DRAWN L.O.H.	PROJECT 92-439

CITY OF HAMILTON

- RECOMMENDATION -

7.

CITY CLERKS

DATE:	April 13, 1993 ZAC-93-01 Riverdale East Neighbourhood
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee
FROM:	Mr. J. D. Thoms Commissioner of Planning and Development
SUBJECT:	Request for a change in Zoning - for the property located at the rear of No. 1011 Queenston Road.

RECOMMENDATION:

1. That Zoning Application 93-01, Adorn Investments Limited, owners and Valerie Fine, Trustee, for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for Block "1", from "AA" (Agricultural) District to "RT-30" (Street Townhouse) District for Block "2", from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District for Block "3", and from "R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District for Block "4", for property located at the rear of 1011 Queenston Road, shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

   i) The proposed street townhouses (Blocks "2" and "4") conflict with the intent of the Official Plan and the approved Riverdale East Neighbourhood Plan which designates these lands "SINGLE AND DOUBLE RESIDENTIAL". The Official Plan states that new development will comply with the approved Neighbourhood Plan and will contribute to the desired mix of housing, and that varieties of residential types will not be mixed indiscriminately;

   ii) Street townhouses (i.e. Block "2" and "4") would not be compatible with established and future intended development in the surrounding area which is predominately one and two-family dwellings to the north and the east; and,

   iii) Approval of the application could encourage other similar applications which, if approved, would undermine the intent of the Official Plan and approved Neighbourhood Plan.

2. That approval be given to an amended Zoning Application 93-01, Adorn Investments Limited, owners and Valerie Fine, Trustee for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for Block "1", and from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District for Block "2", for property located at the rear of 1011 Queenston Road, shown on the attached map marked as APPENDIX "B", on the following basis :

i) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

ii) That Block "2" be rezoned from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District;

iii) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:

a) That a landscape planting strip not less than 6.0 m wide shall be provided and maintained along the northerly limits of the "H" district lands where they abut the residential district to the north; and,

b) a visual barrier not less than 2.5 m in height shall be provided and maintained within the landscaped planting strip referred to in clause (a).

iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-124 and E-125 be notated S- ;

v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-124 and E-125 for presentation to City Council;

vi) That the approved Riverdale East Neighbourhood Plan be amended by deleting the proposed walkway along the easterly limits of Blocks "1" and "2";

vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

3. That Site Plan Control By-law 79-275, as amended by By-law 87-233, be amended by adding Block "2" to Schedule "A".

EXPLANATORY NOTE:

The purpose of the by-law is to provide for changes in zoning to from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for Block "1", and from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District for Block "2", for property located at the rear of 1011 Queenston Road, as shown on the attached map marked as APPENDIX "B".

The effect of the By-law is to permit the development of the subject lands for small lot single-family residential dwellings (Blocks "1"), and to permit commercial use of Block "2" in conjunction with the lands to the south fronting onto Queenston Road.

In addition, the By-law provides for the following variances as special requirements for Block "2":

- Requires a landscape planting strip not less than 6.0 m wide to be provided and maintained along the northerly limits of the "H" district lands where they abut the residential district to the north; and,

- Requires a visual barrier not less than 2.5 m in height to be provided and maintained within the landscaped planting strip referred to in clause (a).

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT: Adorn Investments Limited, owners and Valerie Fine, Trustee.

BACKGROUND:

- Proposal

The applicants have applied for changes in zoning for lands located at the rear of No. 1011 Queenston Road, as shown on Appendix "A", on the following basis:

Block "1" - from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

Block "2" - from "AA" (Agricultural) District to "RT-30" (Street Townhouse) District

Block "3" - from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District; and

Block "4" - from "R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District.

The purpose of the proposed changes in zoning is to permit development of Block "1" for small lot single-family detached dwellings; Blocks "2" and "4" for street townhouses; and to permit commercial use of Block "3" in conjunction with the lands to the south fronting onto Queenston Road (front of No. 1011 Queenston Road).

LOT SIZE AND AREA:

- 81.8 m (268.5 ft.) width;
- 106.7 m (350 ft.) of lot depth; and,
- 0.856 ha (2.14 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant Lands and Bowling Alley	"AA" (Agricultural) District and "R-4" (Small Lot Single-Family Detached District
Surrounding Lands		
to the north	Single-Family Dwellings One and Two-Family Dwellings	"C" (Urban Protected Residential, etc.) District and "D" (Urban Protected Residential - One and Two-Family Dwellings and Townhouse, etc.) District - Modified.
to the south	Bowling Alley	General Commercial "GC" Zone - City of Stoney Creek
to the east	Vacant Lands	"AA" (Agricultural) District and "D" (Urban Protected Residential - One and Two-Family Dwellings and Townhouse, etc.) District - Modified.
to the west	Vacant Lands	"R-4" (Small Lot Single-Family Detached) District

OFFICIAL PLAN:

The subject lands are designated RESIDENTIAL and COMMERCIAL on Schedule A - Land Use Concept of the Official Plan. The northern portion of the subject lands are designated RESIDENTIAL. The following policies should be noted, with regard to the proposed residential uses:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

viii) Other similar actions or matters as Council may deem appropriate.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;

D.2.2 The detailed planning for the distribution and location of various land uses in each PLANNING UNIT will be determined or reviewed through the preparation of NEIGHBOURHOOD PLANS. In this regard, Council will ensure that all new development and/or redevelopment complies with the provisions of this Plan and the NEIGHBOURHOOD PLAN..."

The southern portion of the subject lands are designated COMMERCIAL on Schedule A - Land Use Concept of the Official Plan. Accordingly the following policies should be noted, with regard to the commercial proposal:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,

iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses."

It is the intent of the Official Plan that new residential development contribute to the desired mix of housing, and that varieties of residential types will not be mixed indiscriminately. Furthermore, it is also the intent of the Official Plan (policy D.2.2) that all development comply with the approved Neighbourhood Plan. The proposal does not comply with the approved Riverdale East Neighbourhood Plan, since the proposed street townhouses (Blocks "2" and "4")

are designated "SINGLE AND DOUBLE RESIDENTIAL". Based on the foregoing, the proposed "RT-30" (Street Townhouse) District conflicts with the intent of the Official Plan. However, if the application is approved, an Official Plan Amendment would not be required.

The proposed single-family and commercial development do not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "SINGLE AND DOUBLE RESIDENTIAL" for Blocks "1" and "4", "SINGLE AND DOUBLE RESIDENTIAL AND PROPOSED WALKWAY" for Block "2", and "COMMERCIAL - SPECIAL PROVISIONS AND PROPOSED WALKWAY" for Block "3", on the approved Riverdale East Neighbourhood Plan (See Appendix "A"). The proposal does not comply with the intent of the Plan. If approved, a redesignation to "ATTACHED HOUSING" for Blocks "2" and "4" and deletion of the proposed walkway would be required.

RESULTS OF CIRCULARIZATION:

- The following Agency and Departments have no comment or objection:
  - Building Department;
  - Traffic Department;
  - Ministry of Transportation;
  - Trans-Northern Pipelines;
  - Union Gas; and,
  - Hamilton Region Conservation Authority.

- The City of Stoney Creek has advised that:

  "The City of Stoney Creek Official Plan Policy A.3.3.2.7 requires that development and/or redevelopment of General Commercial Uses on Lands contiguous to the City of Hamilton along the north side of Queenston Road incorporate features such as screening, buffering and landscaping in order to minimize adverse effects on the existing and proposed adjoining residential uses.

  This policy is consistent with the regulations for landscaping of the General Commercial "GC" Zone of the City of Stoney Creek Zoning By-law No. 3692-92, which would require a minimum landscape strip of 4.5 metres adjacent to a non-commercial zone. Therefore, it is recommended that a minimum 4.5 metre landscape strip with appropriate planting and privacy fencing be provided adjacent to the proposed street townhouses.

  Staff also note that Zoning By-law No. 3692-92 requires that parking spaces for a bowling alley be provided at a rate of four spaces per alley which should be maintained.

  Planning staff would also recommend that the commercial property be subject to site plan control in Hamilton as the approval of this amendment may result in the expansion of a commercial parking lot."

- The Roads Department has advised that:

  "There are public watermains and combined storm and sanitary sewers available to service these lands."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan and with the intent of the approved Riverdale East Neighbourhood Plan, which designates Blocks "2" and "4" "SINGLE AND DOUBLE RESIDENTIAL" and "SINGLE AND DOUBLE RESIDENTIAL AND PROPOSED WALKWAY". If approved, a Neighbourhood Plan redesignation to "ATTACHED HOUSING" and deletion of the proposed walkway would be required. However, an Official Plan Amendment would not be required.

2. The proposal cannot be supported for the following reasons:

   - The proposed street townhouses (Blocks "2" and "4") conflict with the intent of both the Official Plan and the approved Riverdale East Neighbourhood Plan. In this regard, the Official Plan states that new development must comply with the approved Neighbourhood Plan, that residential development will contribute to the desired mix of housing, and that varieties of residential types will not be mixed indiscriminately. The proposed townhouses are designated "SINGLE AND DOUBLE RESIDENTIAL" in the approved Neighbourhood Plan, and are located mid-block in the interior of a neighbourhood, which does not represent an appropriate mix of housing types;

   - Street townhouses (Blocks "2" and "4") would not be compatible with existing and proposed residential development in the surrounding area, which is predominately one and two-family dwellings to the north, west and east; and,

   - Approval of the application could encourage other similar applications which, if approved, would undermine the intent of the Official Plan and the approved Neighbourhood Plan.

   However, an amended application to rezone the subject lands to "R-4" (Small Lot Single-Family Detached) District for Block "1", and to "H" (Community Shopping and Commercial, etc.) District for Block "2", shown on the attached map marked as APPENDIX "B", would be more appropriate given that:

   i) It does not conflict with the intent of the Official Plan;

   ii) It implements the proposed Neighbourhood Plan which designates these lands for "SINGLE AND DOUBLE RESIDENTIAL"; and,

   iii) It would be compatible with established and future intended development in the surrounding area which is predominately one and two family dwellings to the north and east.

3. Approval of the amended application would require the following variance as a special requirement associated with Block "2" on Appendix "B":

   - Buffering and Screening

     In keeping with the design requirements of the approved Bruleville Neighbourhood Plan, a minimum 6.0 m wide landscape planting strip, and a visual barrier not less than 2.5 m in height within the landscaped planting strip,should be provided along the northerly limits of Block "2".

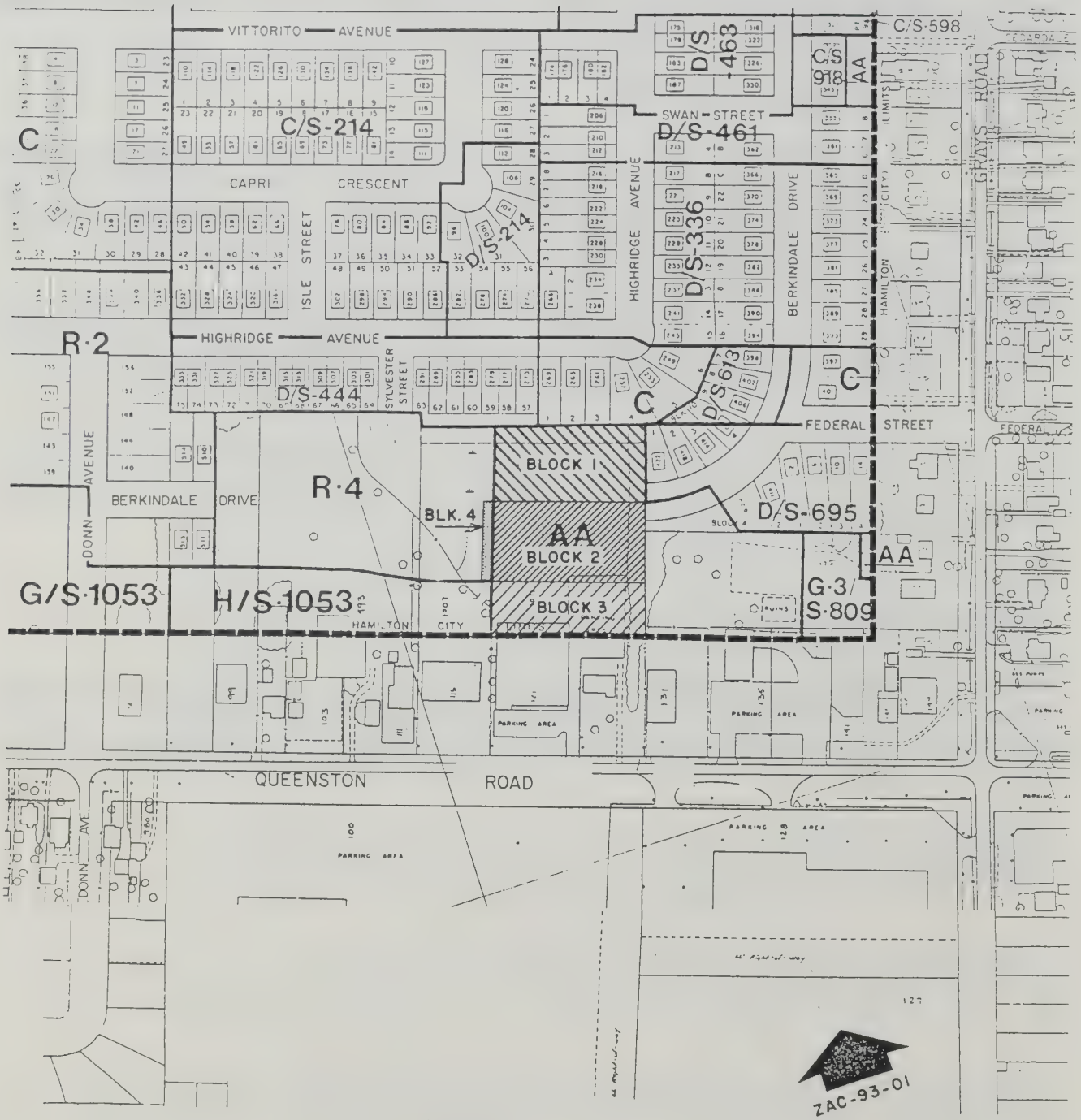
   Furthermore, it is recommended that the 10' walkway proposed on the Neighbourhood Plan at the southeast corner of Blocks "1" and "2" be deleted, as Federal Street currently provides adequate access to Queenston Road (via Grays Road).

4. The lands are not subject to Site Plan Control By-law 79-275, as amended by By-law No. 87-233. Thus it would be appropriate to place Block "2" under Site Plan Control so that matters such as the parking layout, grading, landscaping etc. can be reviewed and co-ordinated with the City of Stoney Creek.

CONCLUSION:

Based on the foregoing, the application as submitted cannot be supported. However, an amended application for "R-4" (Small Lot Single-Family Detached) District for Block "1", and "H" (Community Shopping and Commercial, etc.) District for Block "2" can be supported as shown on Appendix "B".

JL/
WPZAC9301

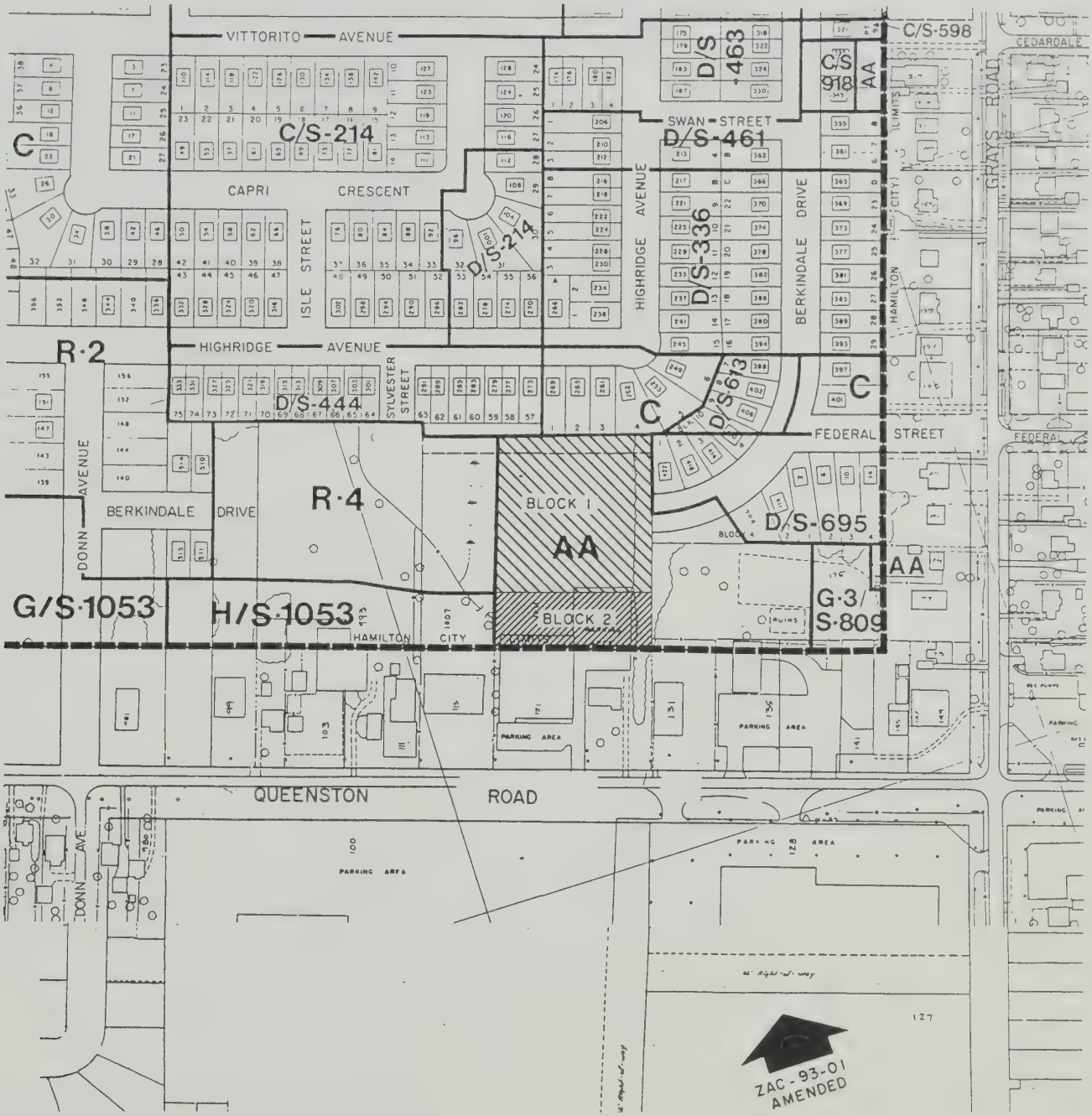


Legend

Proposed Change in Zoning From:

BLOCK 1		"AA (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.
BLOCK 2		"AA" (Agricultural) District to "RT-30" (Street Townhouse) District.
BLOCK 3		"AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District.
BLOCK 4		"R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District.

APPENDIX "A"



Legend

Proposed change in zoning from:

BLOCK 1		"AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.
BLOCK 2		"AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District, modified.

APPENDIX "B"

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1993



Urban Municipal
Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1993 May 5
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA:

9:30 O'CLOCK A.M.

URBAN MUNICI
MAY 0 4 1993
GOVERNMENT DOCUMENTS

1. **CONSENT AGENDA**

2. **REFERRAL BACK FROM COUNCIL**

   Zoning Application 92-53, 1314 Upper Wentworth Street, Angello Papastamos, Owner

3. **PREVIOUSLY TABLED ITEM**

   Zoning Application 91-59, 29 Severn Street, Leo Cascioli, owner

4. **ACTING SECRETARY, LACAC**

   52 James Street South, former Bank of Montreal Building - Request for sign location from Hamilton Tiger-Cat Football Club - Delegation Ed Valtenbergs

5. **BUILDING COMMISSIONER**

Request for Demolition Permit - 24 Victoria Avenue North, Louis Serafini

10:30 O'CLOCK A.M.

PUBLIC MEETINGS

6. Zoning Application 93-06, Ashok Kumar, owner, for a modification to the established "M-11" District regulations, for property located at No. 1157 Rymal Road East; Rymal Neighbourhood

   (a) Submission: Mr. M. Hunter, Miyabi Karate DOJO, Hamilton

7. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

   (a) City Initiatives - Authorization for Public Meetings

      i. City Initiative 91-H, respecting landscaping requirements for public parking lots - authorization for a Public Meeting

      ii. City Initiative 91-I, respecting mobile signs - authorization for an Open House/Public Meeting

      iii. City Initiative 93-A, review of multiple dwelling Districts - authorization for a Public Meeting

   (b) Site Plan Control:

      i. Review of Enforcement

      ii. Preparation of submitted plans by qualified professionals

8. **URBAN DESIGN COMMITTEE**

GO Transit Layover Yard

9. **OTHER BUSINESS**

10. **ADJOURNMENT.**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

Item No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	C.I. 90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee
3.	Site Plan Enforcement Procedures	1991 January 23	Building, Regional Engineering, and Planning	Report back on alternative proposals
4.	Conditions of Conversions - Separate Utility Controls	1991 June 19	Building	Report Pending
5.	Site Plan Control Application DA-91-50 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
6.	ZA-91-12 - 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
7.	ZA-92-03 - 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
8.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
9.	Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots	1993 February 3	Alderman H. Merling	Tabled to allow previous Sub-Committee to review matter
10.	Revitalization of Barton	1993 February 3	Mayor R. M. Morrow	Various Departments to report back on Mayor's Request
11.	Building Permit Fees and Development Charges	1993 March 24	Building	Building Department to review and report back
12.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11

Item No.	Item	Original Date	Action	Status
13.	ZA-91-59 - 295 Severn Street	1993 April 7	Planning	Staff to provide a pictorial of the site
14.	ZA-93-01 - 1011 Queenston Road	1993 April 21	Applicant	Tabled on request of Applicant

Tina Agnello, Secretary
1993 April 28

1.

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1993 MAY 5

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the Planning and Development Committee meeting held 1993 April 21.

B. SENIOR DIRECTOR, ROADS DEPARTMENT

"Rymal Square Estates - Phase 4", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication)

C. ACTING SECRETARY, LACAC

Designation Recommendation - Barton Stone United Church, 21 Stone Church Road West

D. COMMISSIONER OF PLANNING AND DEVELOPMENT

(a) Extension of Draft Plan Approval (25T-83004) for "Wisemount Estates" Subdivision; Lisgar Neighbourhood

(b) Site Plan Application DA-92-63, Dr. J. Y. Mah, owner, of lands at 674 Upper James Street; Bonnington Neighbourhood

(c) Departmental User Fees - Public Recirculations

E. BUILDING COMMISSIONER/DIRECTOR OF PUBLIC WORKS

Enforcement of By-law 84-35 with respect to Excessive Growth of Grass or Weeds

F. **BUILDING COMMISSIONER**

(a) Demolition of:

i. 399 James Street North

ii. 56 LimeRidge Road East

iii. 655 Rymal Road West

iv. 1523 Upper Gage

(b) Heritage Programme:

i. Whitehern, 41 Jackson Street West

ii. Dundurn Castle, 600 York Boulevard

G. **SECRETARY, PLANNING AND DEVELOPMENT**

Information Items

Wednesday, 1993 April 21
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present:	Alderman D. Drury, Chairperson Alderman F. Eisenberger, Vice-Chairperson Alderman M. Kiss Alderman D. Wilson Alderman B. Charters Alderman F. D'Amico Alderman H. Merling Alderman Wm. McCulloch
Regrets:	Mayor Robert M. Morrow
Also Present:	Alderman T. Anderson John Johnston, Board of Education Victor Abraham, Director of Local Planning Paul Mallard, Planning Department Bill Janssen, Planning Department Joanne Hickey-Evans, Planning Department John Sakala, Planning Department Vanessa Grupe, Planning Department Eugene Chajka, Roads Department Mike Watson, Property Department Dave Powers, Law Department George Gambioli, Housing Department Peter Lampman, Building Department Ed Switenky, Traffic Department Tina Agnello, Secretary

1. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the meeting held 1993 April 7 were approved as circulated.

REPORTS

The Planning and Development Committee recommended to Council the recommendations of various reports in the Planning and Development Committee Agenda as follows:

B. BUILDING COMMISSIONER

Applications for demolition permits dated 1993 April 13:

That the Building Commissioner be authorized to issue demolition permits for:

(a) 20 Chilton Place

(b) 208 Eleanor Avenue

C. SENIOR DIRECTOR, ROADS DEPARTMENT

"Claudette Gardens - Phase 3", - Cash in Lieu of 5% Parkland dedicated dated 1993 April 8:

That the City of Hamilton accept the sum of $8,000. as cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 3", located west of Garth Street and north of Rymal Road West in the Falkirk East Planning Neighbourhood, this being the cash payment required under Section 50 of the Planning Act.

D. COMMISSIONER OF PLANNING AND DEVELOPMENT

Site Plan Application DA-92-60, Freure Management Ltd., owner of lands at 101 Broadway Avenue; Ainslie Wood East Neighbourhood

The Committee approved a recommendation dated 1993 April 8 as follows:

That approval be given to Site Plan Control Application DA-92-60 by FREURE MANAGEMENT LTD., owner of lands at 101 Broadway Avenue, for development of a 45 unit apartment complex subject to the following:

(a) modification to the plans regarding driveway access dimension, notes, landscaping and dimensions as marked in red on the plans; and,

(b) submission of a revised grading plan to the satisfaction of the Manager of Development, Roads Department.

E. SECRETARY, FINANCE AND ADMINISTRATION COMMITTEE

Directory of Municipal Documents in French

The Committee approved a recommendation dated 1993 April 5 as follows:

That the Directory of Municipal Documents in French, as prepared by the Ministry of Municipal Affairs be received, and referred to the appropriate City Departments who may be interested in obtaining relevant municipal documents already translated into French for their Department's use. (Copy of the report is available for viewing in the Planning and Development Committee Secretary's Office).

F. SECRETARY, PLANNING AND DEVELOPMENT

(a) **1993 Canadian Institute of Planners Conference dated 1993 April 15.**

(a) That the Chairman or his designate be authorized to attend the 1993 Canadian Institute of Planners Conference to take place on 1993 July 4 to July 7, Victoria, British Columbia.

(b) That costs for attendance be allocated to Aldermen Travel Account No. CH55201 10010 from the 1993 Operating Budget.

(b) **Information Items**

As recommended in a report dated 1993 April 14, the Committee received the following reports and correspondence for information purposes:

(a) City Solicitor, Niagara Escarpment Plan Review Hearing - Report on Hearing Officers dated 1993 April 13.

(b) Secretary, Planning and Development - Public meetings for Zoning Applications dated 1993 April 14.

(c) Commissioner of Planning and Development - Site Plan Control Application DA-91-39 dated 1993 April 14.

(d) GO Transit - Response to resolution regarding "Intent to Designate" - GO Transit Centre dated 1993 April 5.

2. DIRECTOR OF PROPERTY AND COMMISSIONER OF PLANNING AND DEVELOPMENT (Information)

Alpha East Residential Enclave - Purchase of Lands: 48 Imperial Avenue

Mr. Stan Jugovic was present on behalf of the Bob Jugovic, owner of 48 Imperial Avenue.

Mr. Watson explained that there is presently no money to purchase the properties. Funding has been deferred to 2001 because of the current lack of demand for industrial land and an effort not to decrease affordable housing stock in these necessary times.

Following discussion, the Committee moved that the report dated 1993 April 14 be received.

3. COMMISSIONER OF PLANNING AND DEVELOPMENT

Rental Housing Protection Act Application CD-92-002, for property located at No. 293 Limeridge Road West

Mr. Singh and his solicitor, Mr. Shipton, were present in support of the application.

In response to a question from Alderman Kiss, Mr. Abraham advised that notifications were to all tenants to notify of the reconvening of the meeting.

Alderman D'Amico advised that he visited the residents who would like the applicant to enter into an agreement with the City to include provisions for purchase and rental of the units.

In response to a question from Alderman D'Amico, Mr. Singh advised that he would be happy to help with secondary financing.

Dave Powers explained that an amendment to require the owner to enter into an agreement with the City regarding option to purchase and rental rates has been drafted by the Law Department.

Alderman Eisenberger and Alderman Wilson were concerned that the applicant had no opportunity to review the amendments.

The Committee moved to table the matter to later in the meeting to allow Mr. Singh and his solicitor the opportunity of reviewing the proposed amendments.

The Committee recessed and reconvened at 10:25 a.m.

Mr. Singh explained that with the exception of 2 minor housekeeping changes the proposed amendments are acceptable.

The Committee forwarded to Council the recommendation of the Commissioner of Planning and Development dated 1993 April 14 as amended as follows:

> That approval be given to Application CD-92-002, under the Rental Housing Protection Act, Milkha Singh, owner, for conversion of 15 rental residential townhouse units to 15 residential condominium units at 293 Limeridge Road West, Hamilton, because the proposal will not adversely affect the supply of affordable rental housing in Hamilton. Approval is subject to conditions in Appendix "A", to be fulfilled by the owner.

4. **Proposed Draft Plan of Subdivision 25T-92010, Proposed Waiver of a Feasibility Study and Impact Analysis, and Zoning Application 91-60, R. V. Kemp (In Trust), owner, for a change in zoning from "AA" District to "C" District, for lands located on the west side of Mount Albion Road, in the area north of Albright Road; Red Hill Neighbourhood.**

Submissions were received from the following:

(a) Frank Baldassari, 151 Mount Albion Road, Hamilton

(b) V. Janine Denton, 140 Mount Albion Road, Hamilton

John Ariens of Planning Initiatives was present on behalf of the applicant.

Paul Mallard advised that the intent of the application is to zone some lands from agricultural to single family only the lands "below bank" one to be rezoned; others will remain agricultural. All drainage matters will be addressed through the draft plan of subdivision. Of 92 notices mailed, 6 replied in favour and 5 replied as opposed.

Janine Denton of 140 Mount Albion Road was present to speak about drainage concerns. She distributed photos of her property which show standing water in the yard. She was concerned that the effect of raising the applicants property 2 or 3 feet will be to further flood her property.

Eugene Chajka explained that the subdivision will have no negative inputs on surrounding properties. This is a standard requirement which has been observed increasingly over the past 10 years. He assured the Committee that damage plans are required for the Draft Plan of subdivision.

Alderman Eisenberger requested to be kept apprised of the drainage plans as they are submitted.

In response to a question from Ms. Denton, Mr. Ariens explained that the walkway which was included in a draft plan circulated in the neighbourhood is only a suggestion by the H.S.R.

As recommended by the Commissioner of Planning and Development in a report dated 1993 April 13 the Committee recommended to Council as follows:

A. That approval be given to amended Zoning Application 91-60, R.V. Kemp (in Trust), owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified, to permit single-family detached dwellings on property located at No. 146 Mount Albion Road, as shown on the attached map marked as Appendix "B", on the following basis:

(a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(b) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

i. Notwithstanding Sections 9(3)(ii) and 9(3)(iii) of By-law No. 6593, every building and structure, except a fence, shall be set back not less than 7.6 m from the "top of bank" as established by a survey according to the Hamilton Region Conservation Authority as shown on Appendix "B", extending along the westerly boundary between the "C" (Urban Protected Residential, etc.) District and the "AA" (Agricultural) District;

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1309 and that the subject lands on Zoning District Map E-87 be notated S-1309;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-87 for presentation to City Council;

(e) That the proposed change and modification in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

B. (a) That approval be given to application 25T-92010, Ronald Kemp, owner, to establish a draft plan of subdivision in the area west of Mount Albion Road, and south of the T.H. & B. Railway Line, subject to the following conditions:

i. That approval apply to the plan prepared by Ashenhurst Nouwens Limited, dated October 22, 1992, showing 10 lots for single family dwellings, and a Block for future residential purposes.

ii. That the final plan conform with the Zoning By-law approved under the Planning Act.

iii. That the street be dedicated to the City of Hamilton as public highway in the final plan.

iv. That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

v. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

vi. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the net area of the subdivision in the final plan.

vii. That the owner pay an amount equivalent to 5% of the land to the City of Hamilton for park purposes in accordance with the Planning Act.

viii. That the owner establish a 9.0m radius on the east side of the road on the transition curve cul-de-sac bulb on Rouge Hill Court.

ix. That the applicant be required to enter into subdivision agreements with both the City and Region prior to the development of any portion of these lands.

x. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

xi. That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application(25T-92010), Ronald Kemp, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

C. (a) That the request by Planning Initiatives, on behalf of R. Kemp, to waive the requirement of a Feasibility Study and Impact Analysis to permit the development, be approved; and,

(b) That the Regional Municipality of Hamilton-Wentworth be requested to concur with the decision of the City of Hamilton to waive the requirement of a Feasibility Study and Impact Analysis.

5. **Zoning Application 93-05, Maria Miceli, owner, for a change in zoning from "B" District to "C" District, for property located at No. 667 Rymal Road West; Carpenter Neighbourhood.**

An Agent was present on behalf of the applicant.

As recommended by the Commissioner of Planning and Development in a report dated 1993 April 1, the Committee recommended to Council as follows:

That approval be given to Zoning Application 93-05, Maria Miceli, owner, for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to permit future development for single-family dwellings, on property located at No. 667 Rymal Road West, as shown on the attached map marked as Appendix "C", on the following basis:

(a) That the subject lands be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27-E for presentation to City Council; and

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

6. **Zoning Application 93-07, P.X. Dermody Funeral Homes, prospective owner, for a modification to the established "H" District regulations, for property located at No. 796 Upper Gage Avenue; Macassa Neighbourhood.**

A submission was submitted at the meeting from Paul Lipsit of 732 Upper Gage Avenue.

Mr. Bill Dermody was present in support of his application.

Alderman Charters and Alderman Eisenberger raised concern over parking being insufficient.

Mr. Switenky advised that the 24 spaces are considered sufficient because the business is a low traffic generator.

Alderman Wilson explained that there are fast food take-out establishments in the area which are high traffic generators.

As recommended by the Commissioner of Planning and Development in a report dated 1993 April 13, the Committee recommended to Council as follows:

A. That approval be given to Zoning Application 93-07, P.X. Dermody Funeral Homes, prospective owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit a funeral home within the existing building, for the lands located at 796 Upper Gage Avenue, as shown on the attached map marked as Appendix "D", on the following basis:

(a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.0., to the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as a Site Plan Control Application has been submitted and approved.

City Council may remove the "H" symbol, and thereby give effect to the "H" District -Modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

(b) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject property be modified to include the following variances as special requirements:

i. That notwithstanding Section 14.(1) of Zoning By-law No. 6593, a funeral home shall be permitted within the existing building;

ii. That notwithstanding Section 18A(7) of Zoning By-law No. 6593, one (1) parking space may have dimensions not less than 2.7 m wide and 5.4 m long;

iii. That Section 18A(26) of Zoning By-law No. 6593 shall not apply;

iv. That Section 18A(11) of Zoning By-law No. 6593 shall not apply to the northerly lot line for a distance of 20.0 m from the front lot line;

v. That a minimum 0.5 m landscaped planting strip, and a visual barrier not less than 1.2m in height and not greater than 2.0 m in height, shall be provided and maintained along the northerly lot line for a distance of 20.0 m from the front lot line;

vi. That a minimum 3.0 m wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly lot line;

vii. That a minimum landscaped area not less than 15% of the lot area shall be provided and maintained at grade;

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1308 and that the subject lands on Zoning District Map E-38 be notated S-1308;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38 for presentation to City Council;

(e) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

B. That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the subject lands to Schedule "A".

7. **Zoning Application 93-01, Adorn Investments Limited and Valerie Fine, Trustee (Midas Bowling Lanes Ltd.), owners, for changes in zoning from "AA" District to "R-4" District (Block "1"), "RT-30" District (Block "2") and "H" District (Block "3"), and from "R-4" District to "RT-30" District (Block "4"), for lands located at the rear of No. 1011 Queenston Road; Riverdale East Neighbourhood.**

The Committee was in receipt of correspondence from Paul Mazza, Solicitor on behalf of the applicant, requesting tabling.

Alderman McCulloch felt that the City should not pay for a recirculation as this has been requested by the applicant. It is not fair to the surrounding residents or taxpayers.

Paul Mallard advised that costs to recirculate are approximately .66 cents per mailing plus g.s.t. and City Clerk's costs.

The Committee resolved to table the report of the Commissioner of Planning and Development dated 1993 April 13, with instructions that the applicant to be advised that they will be responsible for paying the costs of recirculation.

8. OTHER BUSINESS

None.

9. ADJOURNMENT.

There being no further business, the Committee meeting adjourned.

TAKEN AS READ APPROVED,

ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello
Secretary

Appendix "A" as referred to in Section 3 of the Minutes of The Planning and Development Committee Meeting held 1993 April 21

APPENDIX "A"

(1) That the Owner shall enter into an Approval Agreement with the City satisfactory in form to the Director of Local Planning and to the City Solicitor, incorporating the City's conditions of approval listed herein and register such Agreement on title to the subject property prior to the earlier of,

(a) the sale of the property by the Owner;

(b) issuance of a building permit to carry out the alterations (if any) to physically convert the premises; or,

(c) where no such alterations are required, prior to receiving final approval to the said condominium plan.

(2) That this approval shall cease and be at an end,

(a) if the Owner has sold the land without entering into the Approval Agreement with the City; and

(b) in any event, within five years from the date of this approval resolution of Council, if the Owner has not registered the said land and building as a condominium corporation.

(3) That the Owner shall grant to the Tenants named in Schedule "A" an Option to Purchase within two years of registration of the Land and Building as a Condominium, their Unit specified in Schedule "A", (together with its appurtenant interests).

(4) That such Option provide, among other matters, that in the event the Tenant exercises the Option to Purchase the Unit, the Owner shall, within twenty-one (21) days of delivery of the Notice to the Owner, enter into the Agreement of Purchase and Sale form of Hamilton Real Estate Association for a condominium sale, with the necessary amendments for purchase of the Unit from the declarant of the Condominium.

(5) That such Agreement shall provide,

(a) that the sale shall be completed within One Hundred and Twenty (120) days, unless otherwise agreed by the Tenant;

(b) that the purchase price for the Unit be the price agreed upon between the Owner and the Tenant, not to exceed Eighty-five Thousand Dollars ($85,000.00). In the event the purchase price is not agreed upon, the purchase price shall be the lesser of Eighty-five Thousand Dollars ($85,000.00), or the average sale price of similar units on the same property at the time the Option is exercised by the Tenant;

(c) that all provisions with respect to delivery of disclosure material and payment of interest on deposits as provided for in the Condominium Act, shall apply to the sale of the Unit.

(6) That the Owner offer to the Tenants named in Schedule "A" who live in the rental units listed in Schedule "A", a lease in writing, to lease to each Tenant their premises for a lease term specified by each Tenant not to exceed a date two years after the registration of the condominium at the current rent rate set out in Schedule "A", subject to the following provisions:

(a) that such leases be entered into by both parties and registered on title to the subject land prior to the City's execution of the said Approval Agreement;

(b) that the Tenant's rent shall not be increased by reason of alterations or other expenses of the Owner to convert the building to a condominium, but that the rent may be increased as otherwise permitted at law;

(c) that the Tenant may terminate the lease at any time on 60 days' notice.

(7) That the Owner cause a new land owner if any and the new condominium corporation to enter into an agreement with each Tenant to assume the obligations of the Owner herein to the Tenants.

(8) That the foregoing conditions be subject to the following terms, which terms shall form part of the applicable document:

- The following documents, namely the Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including the payment of Land Transfer Tax and registration fees. If the Option is exercised and subsequently the sale is closed, the Tenant shall repay the Owner, in addition to the sale price, the said Land Transfer Tax and registration fee. If the Option is not exercised by the Tenant, the Owner shall be entitled to a refund of the Land Transfer Tax.

- If the Tenant at any time vacates the rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of execution in possession of the rental unit.

- The Tenant's rights under the Approval Agreement, the lease and the Option to Purchase are personal to the named Tenant only and may not be assigned by the Tenant to anyone.

- If the Director of Local Planning receives a declaration from the Owner that a Tenant named in Schedule "A" has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Local Planning shall send by registered mail to the Tenant at the rental unit listed in Schedule "A", a Notice that the Tenant's rights under the unsigned lease or Option, as the case may be, shall cease within twenty-one days of the Notice unless the Tenant is still in possession of the premises and has within twenty-one days collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant.

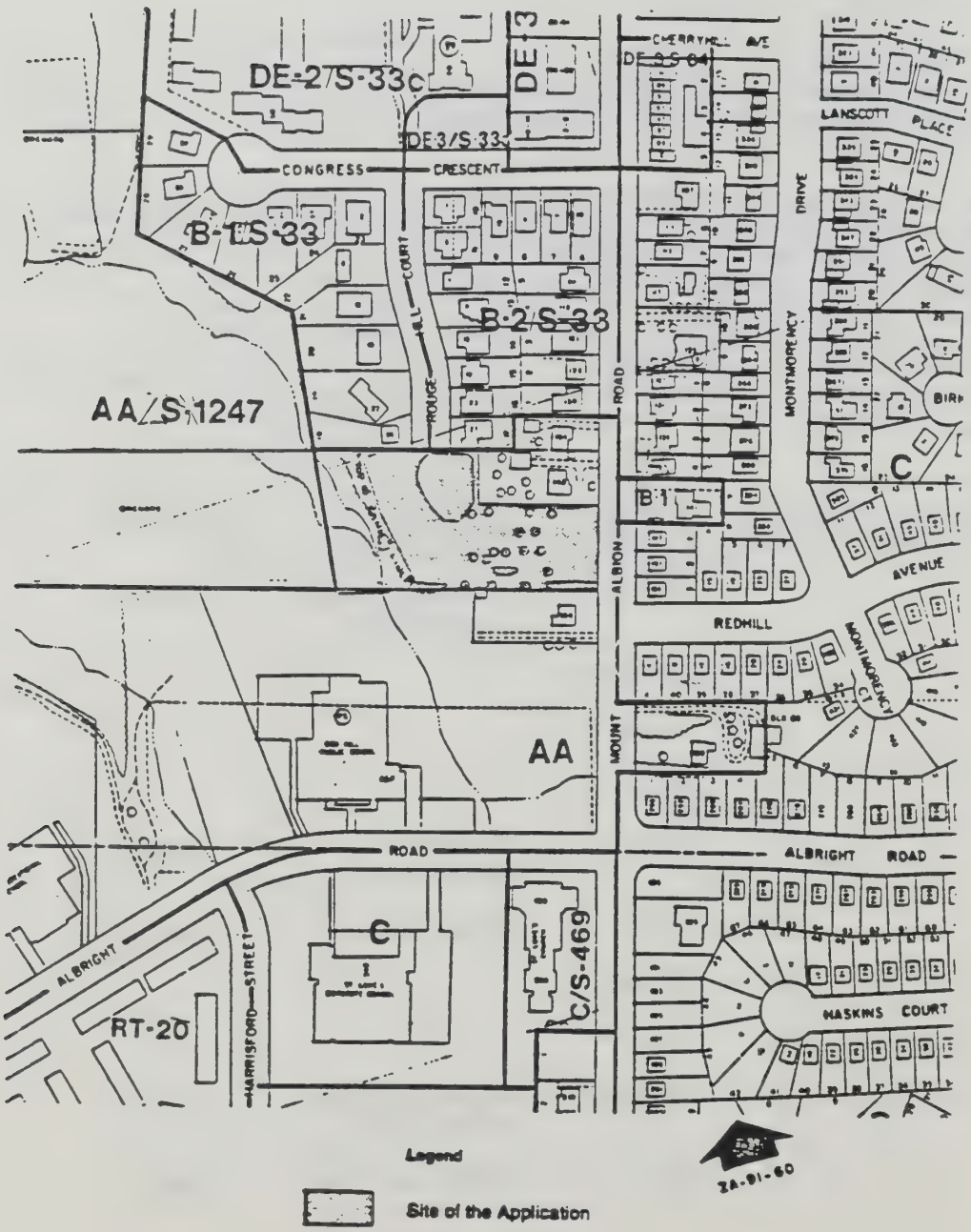
- That upon registration of the required leases, Options and the Approval Agreement, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

SCHEDULE "A"

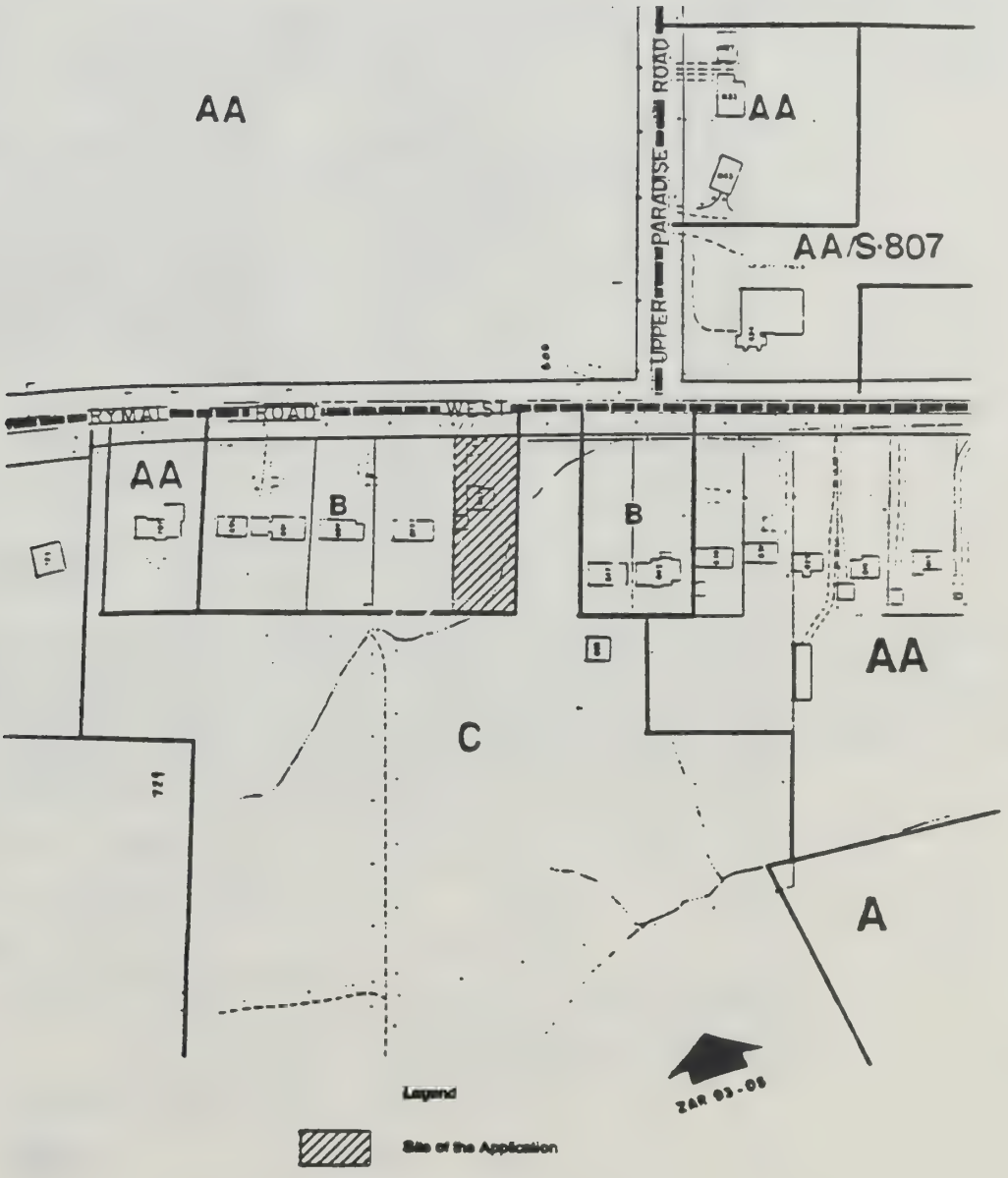
RESIDENTIAL RENTAL UNITS

Unit No./	Size of Unit	Tenant Name	Rental Rate
1	(3 BR)	Sheri Leisemer Glen Own	$823.00
2	(3 BR)	Javid Mirja Meharun Nisa	$816.00
4	(3 BR)	Harold and Bonnie Gee	$823.00
5	(3 BR)	Brian Fedsin Lyn, Kyle, Alan	$823.00
6	(3 BR)	Annette Gibbons Craig Gibbons	$823.00
7	VACANT		
8	VACANT		
9	VACANT		
10	(3 BR)	Sue Parker Mike Parker	$843.00
11	(3 BR)	Karen Miles	$816.00
12	VACANT		
13	VACANT		
14	(3 BR)	Sharon Arsonault and Randolph	$816.00
15	(3 BR)	Les Michelle Szoke	$822.00

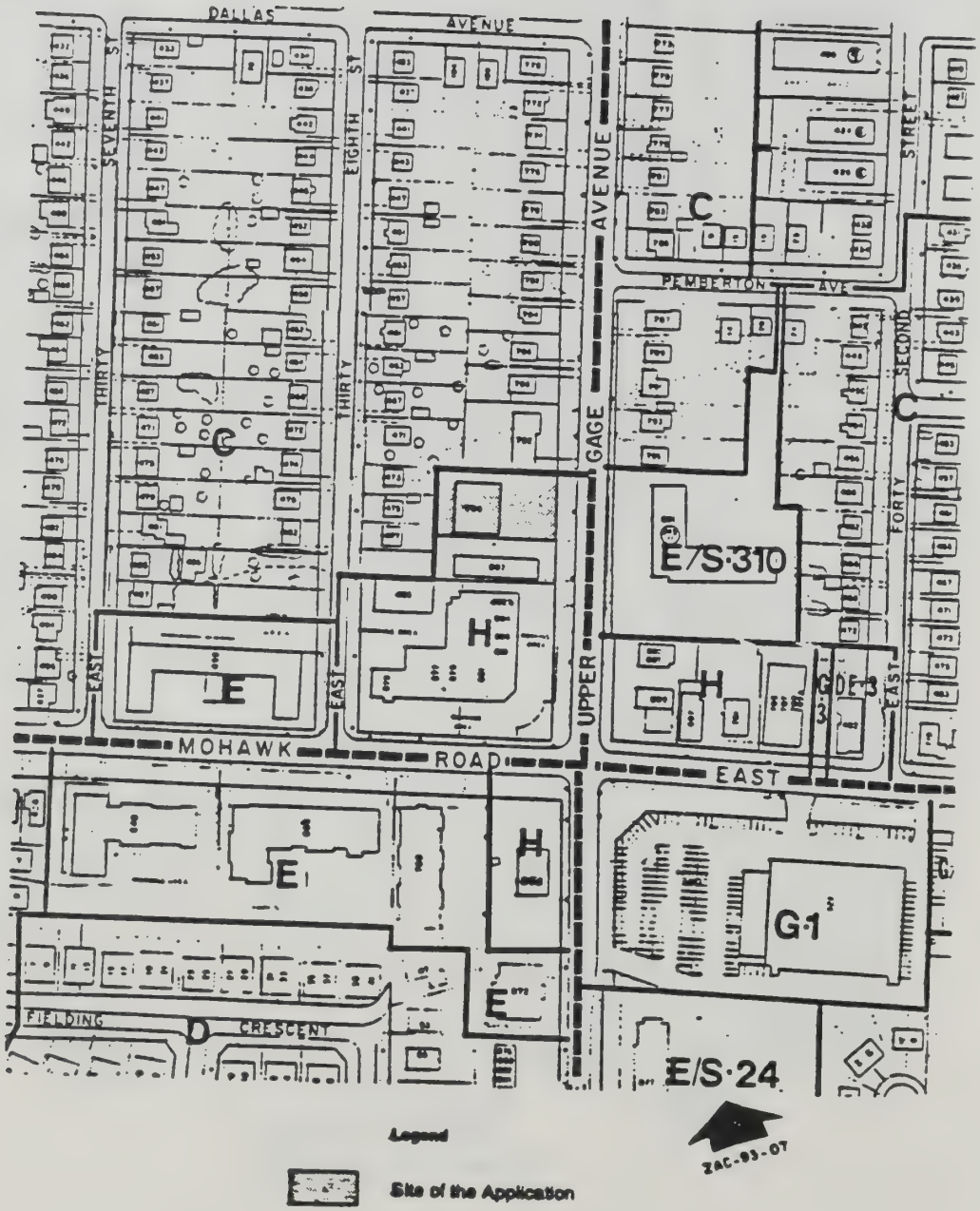
Appendix "B" as referred
to in Section 4 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 April 21



Appendix "C" as referred to in Section 5 of the Minutes of The Planning and Development Committee Meeting held 1993 April 21



Appendix "D" as referred
in Section 6 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 April 21



B.

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
APR 1993
CITY CLERKS

DATE: 1993 April 21
S718-79 P. Strong

REPORT TO: Mrs. T. Agnello, Secretary
Planning and Development Committee

FROM: E. M. Gill, P. Eng.
Senior Director
Roads Department

SUBJECT: **"RYMAL SQUARE ESTATES-PHASE 4", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication)**

RECOMMENDATION:

That the City of Hamilton accept the sum of $38,556.00 as a cash payment in lieu of the 5% land dedication in connection with Rymal Square Estates - Phase 4, Hamilton, located between Upper Wentworth Street and Upper Sherman Avenue in the Butler Neighbourhood, being the cash payment required under Section 51 of the Planning Act.

Ted Gill

E. M. Gill, P. Eng.

EMG

cont'd...

DATE: 1993 April 21

"RYMAL SQUARE ESTATES-PHASE 4", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

cont'd...

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

BACKGROUND:

"RYMAL SQUARE ESTATES-PHASE 4", Hamilton

The owner of Rymal Square Estates-Phase 4 (Rymal Square Developments Inc.) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $38,556.00.

The lands of Rymal Square Estates-Phase 4 are located north of Rymal Road East between Upper Wentworth Street and Upper Sherman Avenue in the Butler Neighbourhood.

/PS
encl.

cc: D. Cobb, City Treasury
cc: R. Buckle, Property Department

C.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 April 27

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Tina Agnello, Acting Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: **Designation Recommendation -**
Barton Stone United Church,
21 Stone Church Road West

RECOMMENDATION:

a) That approval be given to the "Intent to Designate" Barton Stone United Church at 21 Stone Church Road West as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached hereto and marked as Appendix A; and,

b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

n/a

BACKGROUND:

LACAC approved the property of Barton Stone United Church as being eligible for designation at its last meeting held 15 March 1993, following receipt of a letter indicating that permission had been granted by the Hamilton Presbytery of the United Church of Canada for the Board of Trustees of Barton Stone United Church to request that the church property be designated under the Ontario Heritage Act.

c.c. V. Abraham, Director of Local Planning
N. Chapple, Planning Department
P. Noé Johnson, City Solicitor

REASONS FOR DESIGNATION

Barton Stone United Church

21 Stone Church Road West

Context

Built in 1845-7 on the main road from Hamilton to Caledonia, just north of the hamlet of Ryckman's Corners, Barton Stone United Church now stands at the busy intersection of Upper James and Stone Church Road West. Encroaching commercial and residential development as well as increasing traffic have dramatically changed its rural setting in recent years. The green open space of the adjacent cemetery, with its peaceful atmosphere, wide variety of grave markers, and several trees, complements the church building and provides a welcome buffer to the south.

Historical Significance

Barton Stone United Church has the distinction of being the oldest building to have continuously served as a Presbyterian (and later United) Church within the present-day boundaries of the City of Hamilton. It also has direct ties with the first Presbyterian congregation in this area, founded in 1811 by William Rymal, one of the earliest settlers in Barton Township. The two-storey frame meeting house, which he had built adjoining the cemetery plot on the eastern border of his farm (now St. Peter's Cemetery on Mohawk Road West), was shared by two congregations (initially Lutherans and Presbyterians and later Anglicans and Presbyterians) and was thus named Barton Union Church. When this building was condemned as unsafe in 1844 and later demolished, each denomination erected its own stone church at separate locations: Barton Presbyterian (now Barton Stone United) and St. Peter's Anglican, built in 1852-3 near the site of the original church and demolished in 1922.

Served for almost fifty years by itinerant pastors, Barton Presbyterian obtained its first settled minister in 1886, shared with the Locke Street Presbyterian Church. Shared arrangements with other churches continued until 1920, when the minister of Barton Wesley Methodist Church was engaged and the congregation joined with Barton Presbyterian, formally merging in 1922. Three years later the congregation became part of the United Church of Canada (formed in 1925) and was then renamed Barton Stone United Church.

Architecture

Barton Stone United Church is an architectural landmark on Hamilton's Mountain, where it is the oldest surviving church, and reputedly the only remaining 19th century church building. Moreover, it ranks as one of the oldest stone buildings and possibly the earliest church still standing in the present-day City of Hamilton.

The original church, a modest vernacular building, is noteworthy for its rubblestone construction, pleasing proportions and Gothic Revival detailing. The simple front facade, unusual for its absence of fenestration, features a pointed arched doorway with double panelled wood doors and a solid wood transom. On the south and north walls, seven of the eight original window bays with paired lancet windows set in rectangular frames are still intact. The one at the eastern end of the south wall was recently altered by the removal of the lower half of the window and stone masonry below to install double fire doors (thereby allowing the permanent closure of the original front doorway facing Upper James).

The existing rear stone addition was built in 1972 to house the church offices, choir room, vestry, and a new main entrance facing the parking lot to the west. It replaced two earlier additions: the Sunday School room added to the west end in 1916 and a larger hall built to replace it in 1937. The Sunday School function is now accommodated within the Christian Education Building erected in 1957 on the west side of the church property facing Stone Church Road.

Designated Features

Important to the preservation of Barton Stone United Church are the original exterior features of the east, south and north facades of the 1847 building, including the stone masonry, the original main doorway, and the original windows on the north and south facades (excluding the new fire doors).

D (a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 April 16

REPORT TO: Tina Agnello
Secretary of the Planning and Development Committee

FROM: J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Extension of Draft Approval for "Wisemount Estates" Subdivision.

RECOMMENDATION:

That the Region be requested to grant a three-year extension to the draft approval for "Wisemount Estates" Subdivision. (Regional File No. 25T-83004)

J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

822827 Ontario Inc., Attention - A. DiSilvestro, President

Development History:

Subdivision Name and Location:

"Wisemount Estates" - Lisgar Neighbourhood - (formerly Wisemount Forest Survey and Kingsview Estates)

Draft approved November 14, 1983, for 140 lots for single-family dwellings, 8 lots for semi-detached dwellings, 3 blocks for apartments (approximately 403 units) and one block for townshouses (approximately 90 units).

Stage 1, registered in May, 1987, for 7 lots for single-family dwellings and 8 lots for semi-detached dwellings.

Phase 4, registered in July, 1988, for 13 lots for single-family dwellings.

Phase 5, registered in October, 1989, for 10 lots for single-family dwellings.

Kingsview Estates - Phase 1, registered in August, 1992, for 12 lots for single-family dwellings.

Wisemount Estates - Phase 1, registered in February, 1993, for 17 lots for single-family dwellings.

Present lapsing date is May 14, 1993.

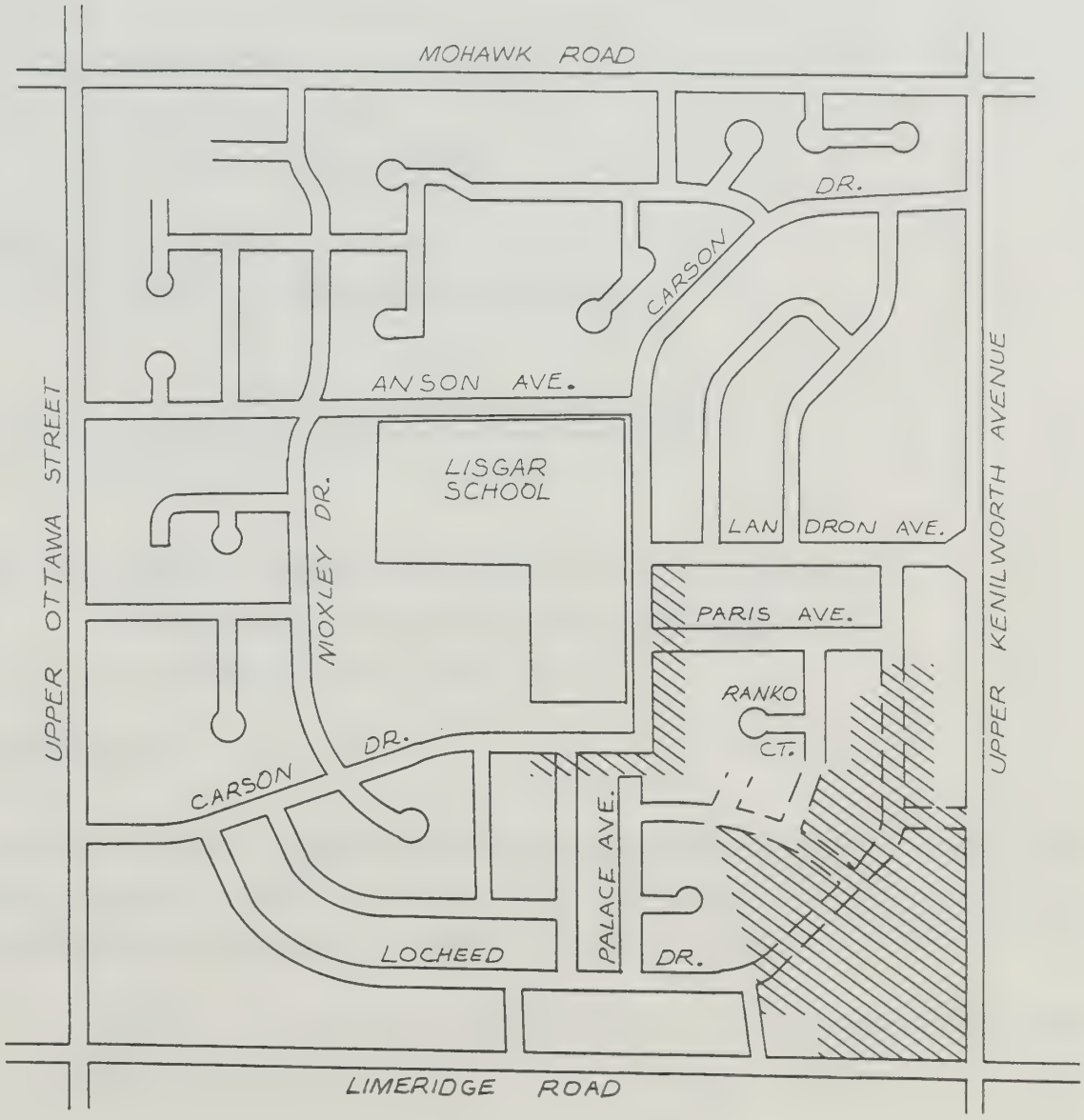
The subject property of the remaining draft approved subdivision changed hands late in 1992 and the new owner has subsequently registered a further phase under a new subdivision name. The owner is now requesting a three-year extension to facilitate continued development on a phased basis of three or four additional phases.

CONCLUSIONS:

The City of Hamilton originally recommended approval of the aforementioned draft plan subject to certain conditions which were subsequently included in the conditions of approval established by Regional Council.

The conditions of approval are still appropriate and no requests have been made to revise the plan or the conditions, therefore, the requested extension can be supported.

CMD/ll
Reports\Dir
25T83004



WISEMOUNT ESTATES

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

DRAFT APPROVED SUBDIVISION

North	Scale	Reference File No.
	NONE	25T-83004
	Date	Drawing No.
	APRIL 20, 1993	83-H-25

D(6)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: April 26, 1993
DA-92-63 (ZA-92-26)
Bonnington Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Site Plan Control Application DA-92-63 for redevelopment of the existing structure and property for a dental office and residence at 674 Upper James Street.

RECOMMENDATION:

A. That approval be given to Site Plan Control Application DA-92-63, by Dr. Jung Y. Mah, owner of property located at No. 674 Upper James Street for redevelopment of the existing structure and property for a dental office and residence subject to the following:

a) modification to the plans related to dimensions, notes and landscaping as marked in red on the plans; and,

b) removal and replacement of a tree on the road allowance at a cost of $475.00 at the expense of the owner,

and further:

B. That in regard to Zoning Application ZA-92-26, the following resolution be forwarded to City Council for approval;

That Item 33.A. of the Fifteenth Report of the Planning and Development Department to City Council on 1992 August 25, respecting Zoning Application ZA-92-26 by Jung Y. Mah, for lands at 674 Upper James Street be amended as follows:

(i) amend Item 33.A.(b)(vi) by adding the following statement to the end of the sentence: - " except for the southerly 4.0 m."

(ii) add the following new clause as Item 33.A.(b)(x):

"Notwithstanding Section 18A(1)(f) of Zoning By-law No. 6593, the manoeuvring space/Aisle width for the parallel parking spaces shall be 3.00 m minimum instead of the required 3.7 m."

Explanatory Note:

In order to accommodate the required dimensions and number of parking spaces for the subject development the required landscape strip can be provided along the westerly boundary except for the southerly 4.0 m.

The manoeuvring space/aisle width for the parallel parking spaces must also be reduced to permit construction of a ramp and stairs for access to the building.

V.J. Abraham

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  Plans have been submitted for the redevelopment of the existing one storey building for a dental office on the ground floor and one residence in the basement. The property will be modified to provide seven parking spaces with a one way driveway entering from Wembly Road and exiting to Upper James Street. A Boulevard Parking Agreement will be processed to provide one additional parking space adjacent to Wembly Road.

  A 1.5 m wide landscape strip is to be provided along the westerly boundary except for 4.0 m at the southerly end where the parking spaces are located.

  A new access ramp and entrance stair is to be constructed along the south wall of the building to the first floor level.

RESULTS OF CIRCULARIZATION:

- The Traffic Department has in their attached letter commented on the length of parking spaces, turning movements, driveway width and boulevard parking agreement requirement.

- The Building Department has advised the following:

  "1. A demolition permit is required for the existing garage in the rear yard to be removed.

  2. The parallel parking spaces along the southerly lot line require a manoeuvring space aisle width of 3.7 m. The plan shows 3.0 m.

  3. A boulevard agreement from the Roads Department for the parking and manoeuvring space on the road allowance shall be required if the parking space is to be established.

  4. A building permit is required for any alterations to the existing building.

  5. Zoning Application ZA-92-26 required City Council approval after this site plan **is approved.**

- The Roads Department has advised in their attached letter that the grading plan is satisfactory. Other comments relate to Boulevard Parking Agreement, removal of a tree, fencing, daylight triangle visibility adjacent to driveways.

- The Public Works Department have indicated that one tree on Upper James Street is a Norway Spruce which has been pruned too high and is susceptible to being wind thrown. The cost of removal and a replacement tree in the amount of $475.00 should be at the expense of the owner of the property.

COMMENTS:

Modifications are required to the plan related to dimensions, notes, and landscaping as marked in red on the plans. As noted by the Public Works Department, a coniferous tree within the road allowance is to be removed and a replacement tree provided at a cost of $475.00 by the owner of the property.

In order to accommodate the parallel parking spaces along the southerly boundary, a portion of the required landscape strip at the rear of the property has been deleted. Vines will be planted in this area with the proposed visual barrier. The draft by-law indicating the required westerly 1.5 m wide landscape strip must therefore be adjusted to recognize this design.

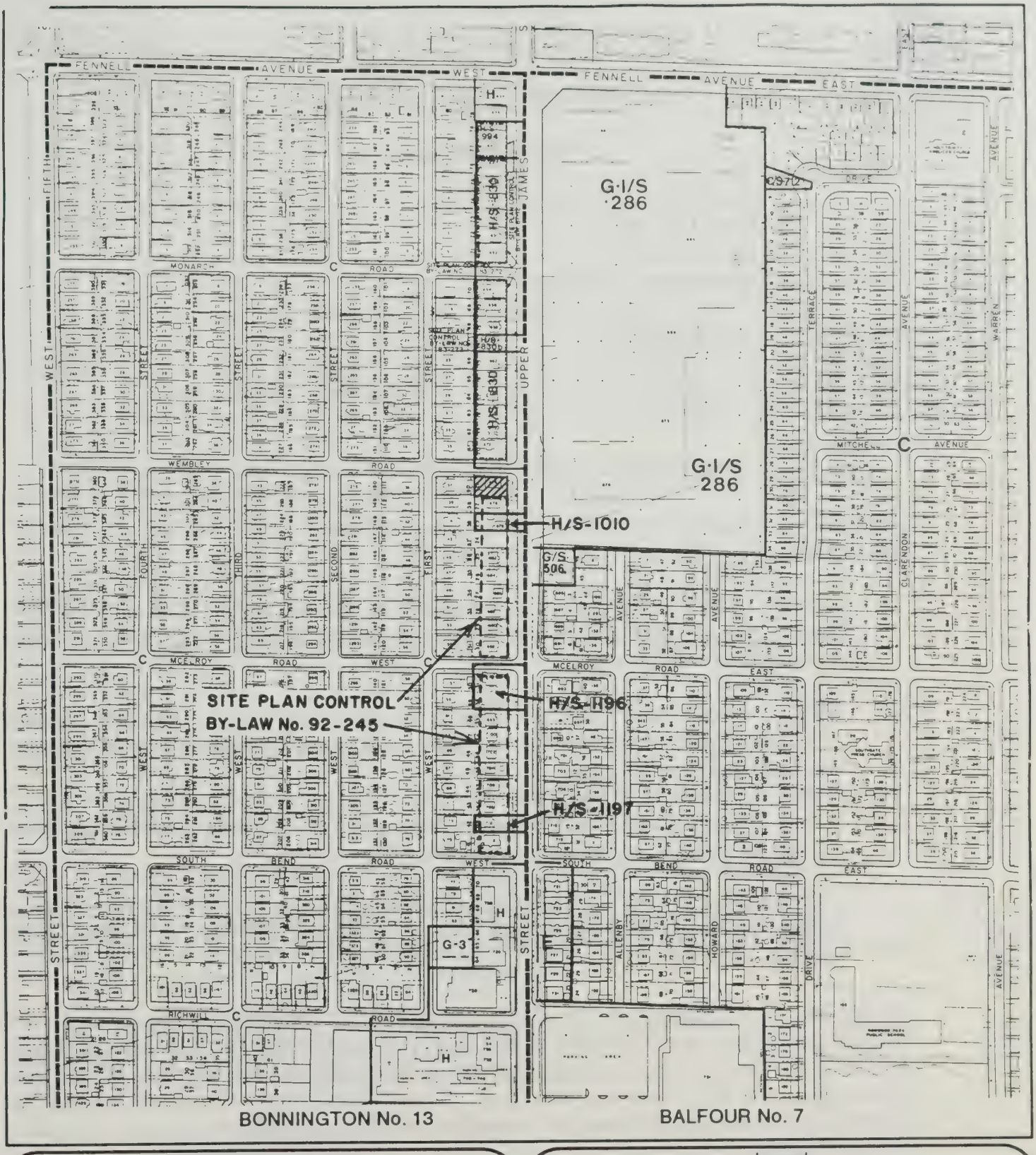
The provision of a ramp and entrance stairway on the south side of the building has also restricted the dimension of the manoeuvring space/aisle width adjacent to the parallel parking spaces form 3.7 m to 3.0 m. The draft by-law should include this additional variance.

The plan has either been modified or included red-lined notes to resolve the various other comments from the department.

CONCLUSION:

The plan as modified and submitted and subject to the above noted comments is satisfactory. The draft by-law should be amended accordingly to incorporate minor changes recognized by the final site plan.

JPS/ma



City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control
Application DA-92-63

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	1:5000	DA-92-63
	Date	Drawn By
	DECEMBER 1992	Z. K.

THE CORPORATION OF THE CITY OF HAMILTON
City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1993 February 04

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: DA-92-63
674 Upper James Street

In response to your letter of 1992 December 22, please be advised that we have reviewed this application and have the following comments.

1. Parking spaces 4, 5 and 6 are substandard in length. As stated in ZA-92-26, we suggest that the applicant initiate the closing and purchasing of the unassumed alley to the west of the property.

2. The two bollards and the access ramp at the south-west corner of the building need to be modified to allow for vehicular passage. The attached plan shows the pathway of a passenger car rounding this corner.

3. It will be very difficult to get into parking space #2 because of the obstructions caused by the existing building and relocated stairs.

4. The applicant should contact Chris van Berkel of this Department at 546-2068 to discuss his desire to implement a commercial boulevard parking agreement for parking space #8.

We approve of the location of the access in principle, but the applicant should be advised that an application must be made to the Traffic Department for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. Four copies of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees, etc.

Yours truly,

Murray F. Main, P. Eng.
Director of Traffic Services

RK/WC/ks
Attach.

FEB 0 4 1993

ROADS DEPARTMENT

- MEMORANDUM -

****

JPS 94

TO: J. Sakala
Planning and Development Department

YOUR FILE: DA-92-63
KB . 99

FROM: Eugene P. Chajka
Manager of Development
Roads Department

OUR FILE: E220-0206
PHONE: 546-2809
DATE: 1993 February 2

SUBJECT: Site Plan Control Application DA-92-63 for property at 674 Upper James Street, Hamilton

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GRADING AND SERVICING

The grading plan submitted, dated December 17, 1992 is approved with respect to grading.

TRANSPORTATION COMMENTS

No further road widenings are anticipated on Upper James or Wembly Road at this time.

The applicant requires a Boulevard Parking Agreement with the City of Hamilton Traffic Department for any parking within the Wembly Road road allowance. The applicant also requires the approval of Jim Pook, Horticulturist with the City of Hamilton Public Works Department prior to the removal of any trees within the Upper James Street or Wembly Road road allowances.

* SENT TO PUBLIC WKS FOR COMMENT

In the absence of any details shown, we advise that any works which may occur within the adjacent road allowances must conform to the respective Streets By-Laws. The Traffic Department is to comment on access and access design.

We do not support the sporadic rezoning and development of individual properties on Upper James Street and as stated in the past, only consolidated development and shared commercial access and parking proposed for this section of Upper James Street should be supported.

Cont'd...

Site Plan Control Application DA-92-63 for property at
674 Upper James Street, Hamilton

Cont'd...

All fencing must be recessed a minimum of 3 metres from the Wembly Road and Upper James Street road allowance limits. We also require that all objects and vegetations within a 5m by 5m daylight triangle between the road allowance and the driveway and a 4 metre daylight triangle at the intersection of Wembly Road and Upper James Street to be no higher than the 0.60m above the corresponding centreline elevation of the adjacent streets.

According to our records, the alley to the rear of the subject lands is public unassumed and to date has not been closed by the City of Hamilton. Plans submitted by the owner indicate that extensive landscaping and fencing will be placed within the public unassumed alley. Civil litigation between property owners may occur as a result.

It would be more appropriate for the owner to submit an application for alleyway closure and process it with a report to the City of Hamilton Transport and Environment Committee and Council.

EH/md

D(c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 April 26
CI-83-B

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

RECEIVED
APR
CITY CLERKS

SUBJECT: 1993 Departmental User Fees - Public Meeting Recirculations

RECOMMENDATION:

i) That By-law No. 93-019, as amended by By-law No. 93-032, respecting Tariff of Fees, be amended to incorporate the following Departmental user fee:

- Request by any applicant or agent of an Official Plan amendment and/or Rezoning application, to cancel or table a Public Meeting

  (i) Fee per Public Notice recirculation.....$250.00

ii) That the City Solicitor be directed to prepare a By-law to amend By-law No. 93-019, as amended by By-law No. 93-032, to incorporate the above-noted Fee, for presentation to City Council.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Based on an average of three recirculations requested per year, the Departmental user fee revenues could increase by $750.00 annually.

BACKGROUND:

At its meeting of April 21, 1993, the Planning and Development Committee approved a request to TABLE a rezoning application (ZAC-93-01), which had been scheduled for a Public Meeting. In connection, the Committee directed staff to review User Fees respecting the recovery of costs associated with recirculation for Public Meetings.

Review of Public Meeting Recirculation Requests and Associated Costs

Occasionally, an applicant or agent of a rezoning and/or an Official Plan Amendment will request that a Public Meeting be cancelled after circulation of the Public Notice. In some cases, the applicant requests that the Meeting be rescheduled for a latter date, in other cases they request that the Meeting be cancelled indefinitely. Other times, an applicant/agent will make a request at the Public Meeting that the application be tabled. As a result, the City must recirculate Notice for the Public Meeting, in order to meet the notice requirements as set out in the Planning Act.

Where an alternative Public Meeting date can be arranged immediately, one additional Public Notice can be sent out to serve as a cancellation and rescheduling Notice. When an applicant/agent requests a Meeting to be cancelled indefinitely, two additional Notices must be sent out. One to cancel the Meeting, and one to reschedule it. When an applicant/agent requests an application to be tabled at the Public Meeting, then one additional circulation is required. In this regard, two or three circulations must be completed for one application. The 1993 user fees were based on the cost of one Public Notice circulation per application.

An average of 269 and 212 Public Notices were sent out per application, for 1992 and 1993 respectively. The cost of the Public Notices and postage is estimated to be approximately $0.66 per Notice. Including staff time, the cost of sending out one Notice is estimated at $1.00. Consequently, the cost of a Public Notice circulation, based on the 1992 and 1993 averages, is approximately $250.00.

CONCLUSION:

Based on the foregoing, it would be appropriate to establish an additional user fee of $250.00 per recirculation, to cover the costs of recirculating for Public Meetings cancelled or tabled at the request of an applicant or agent.

CL-M

E.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: April 21, 1993.

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L. C. King, P. Eng.
Building Commissioner

D. Lobo
Director of Public Works
Public Works Department

CITY CLERKS

SUBJECT: **ENFORCEMENT OF BY-LAW 84-35 WITH RESPECT TO EXCESSIVE GROWTH OF GRASS OR WEEDS (93.4.11, 93.2.4.2.1.A)**

RECOMMENDATION:

It is recommended that the Building Department, Field Services Division be authorized to implement a revised policy with respect to the enforcement of By-Law 84-35, in requiring or carrying out the mowing of large, undeveloped fields or properties so that only a buffer strip of approximately 30' be required to be cut adjacent to street frontages or occupied properties. This would not include specifically-established naturalization areas within the City of Hamilton.

L. C. King, P. Eng.
LCK/BDA/sb

D. Lobo, Director

...2

Tina Agnello, Secretary
Planning and Development Committee

April 21st, 1993

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

With respect to the Building Department, there are none anticipated, as this will result only in a reduction of remedial work required to satisfy the By-Law. When work is carried out by City forces, the same administrative actions and fees are applicable.

BACKGROUND:

In the past, enforcement has resulted in the cutting and clearing of large undeveloped, natural areas where there may be little or no benefit to anyone other than one remotely located neighbour. The Department of Public Works has implemented a naturalization programme where specified areas are no longer mowed.

DISCUSSION:

The Public Works Department has reported that a naturalization process (where no cutting is done) can take several years to mature. As can be expected, a transition period is required during which the property may initially have an unkept appearance, however, weed growth is minimal with native grasses, woody shrubs and trees ultimately becoming dominant.

The buffer strip requirement for large properties would provide for a desirable separation from developed and occupied properties and would discourage encroachment of growth onto these properties, provide sufficient open area adjacent to sidewalks and roads for personal safety concerns and would also discourage dumping as violators would be more readily visible.

It is hopeful that some relief might be realized by allergy sufferers; however, it could be suggested that airborne spores and pollens will be in existence in the area at certain times of the year whether or not an entire field is cut.

...3

Tina Agnello, Secretary
Planning and Development Committee

April 21st, 1993

Without relating the many environmental advantages, the most obvious benefit is the opportunity for savings in maintenance costs to such organizations as School Boards, the City of Hamilton, the Region of Hamilton-Wentworth, as well as subdividers, developers, etc. The implementation of this policy as suggested, would allow the City, by way of this Department, to provide for some much needed financial relief in these trying economic times, while continuing to address the intent of By-Law 84-35 with respect to maintaining land in a clean and clear condition.

It should be understood that the enforcement procedures for the clearing of garbage and debris would be unchanged, as would the requirement for mowing or cutting when necessary to facilitate the removal of garbage or debris. Further, smaller tracts of land within residential districts in developed areas will be required to maintain the entire property in a clean and clear condition.

This policy is not intended to preclude other related Acts, By-Laws, or programmes such as the "Weed Act", or the Public Works Department's "Naturalization Programme". Their intended purpose for the control of such things as noxious weeds should remain unaffected.

F(a) i

CITY OF HAMILTON

- RECOMMENDATION -

DATE: April 26, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

CITY CLERKS

SUBJECT: Demolition of:
399 JAMES STREET NORTH - Tag Number
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for **399 JAMES STREET NORTH.**

L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "D" Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: Perimeter Road Project

BRIEF DESCRIPTION: 1 storey wood frame building

The owner wishes to demolish the building for the proposed perimeter road project. No LACAC interest. Lot size 30' x 70'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

F(a)ii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: April 26, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
56 LIMERIDGE ROAD EAST
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 56 LIMERIDGE ROAD EAST.

L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "AA" & "C" Agriculture and Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: 1 storey stucco-clad building

Owner wishes to demolish building for the proposed Mountain Freeway. No LACAC interest. Lot size 75' x 176'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

F(a)iii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: April 26, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
655 RYMAL ROAD WEST - Tag Number 88965
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 655 RYMAL ROAD WEST.

L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: New subdivision

BRIEF DESCRIPTION: 1 storey brick veneer house

Owner wishes to demolish building so a proposed new subdivision can be built. No LACAC interest. Land area consists of 1,900,000 square feet plus.

The owner of the property as per the demolition permit is:

General Homes
178 Barton Street East
Hamilton, Ontario

F(a)iv

CITY OF HAMILTON

- RECOMMENDATION -

DATE: April 27, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1523 Upper Gage - Tag Number 89019
(93.1.1.A)

RECEIVED
CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1523 Upper Gage.

L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: **N/A**

BACKGROUND:

PRESENT ZONING: **RT-20/S-1227 "Townhouses"**

PRESENT USE: **Single Family Dwelling**

PROPOSED USE: **Vacant Land**

BRIEF DESCRIPTION: **1½ storey wood frame house.**

The owner requests to demolish the house due to a recent fire which has badly damaged the interior. House is boarded up. No LACAC interest. Lot size is 95' x 383'.

The owner of the property as per the demolition permit is:

Valdi Greco, 2229 Trinity Church Road, Binbrook, Ontario
Mark Greco, 47 Allan Avenue, Hamilton, Ontario

F(b) i

CITY OF HAMILTON

- RECOMMENDATION -

DATE: April 23, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
WHITEHERN, 41 JACKSON STREET WEST (93.2.4.2.1.A)

RECOMMENDATION:

That a Designated Property Grant in the amount of three thousand dollars ($3,000) be provided to the City of Hamilton.

L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The province now requires that City Council approve the application and then forward the request to the province for their approval. In the past, the City could "front-end" the costs and then submit claims for reimbursement. The province is now saying that there is no guarantee of funding. All applications must be submitted to them and they will notify the municipality which applications will be funded through the balance of the fiscal year.

...2

The financial terms of the Programme have not changed as they provide the owners of heritage properties with a grant of up to $3,000 or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this has been done in this case. The owner of the designated property, known as Whitehern on Jackson Street, has applied under the Programme for the reconstruction the existing widow's walk.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.) has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of the estimates from Taylor/Hazel Architects and Ontario Restoration Ltd.

The Loans Section of the Building Department recommends that a Designated Property Grant in the amount of $3,000 be approved.

c.c. R. Camani, Treasury Department

F(6)ii

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED

CITY CLERK'S

DATE: April 23, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
DUNDURN CASTLE, 600 YORK BOULEVARD (93.2.4.2.1.A)

RECOMMENDATION:

That a Designated Property Grant in the amount of three thousand dollars ($3,000) be provided to the City of Hamilton.

L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The province now requires that City Council approve the application and then forward the request to the province for their approval. In the past, the City could "front-end" the costs and then submit claims for reimbursement. The province is now saying that there is no guarantee of funding. All applications must be submitted to them and they will notify the municipality which applications will be funded through the balance of the fiscal year.

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The financial terms of the Programme have not changed as they provide the owners of heritage properties with a grant of up to $3,000 or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this has been done in this case. The owner of the designated property, known as Dundurn Castle on York Boulevard, has applied under the Programme for the reconstruction the existing cockpit stack.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.) has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of the estimates from Taylor/Hazel Architects and Ontario Restoration Ltd.

The Loans Section of the Building Department recommends that a Designated Property Grant in the amount of $3,000 be approved.

c.c. R. Camani, Treasury Department

G.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 April 30

REPORT TO: Members of the Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **INFORMATION ITEMS**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to Members of the Committee under separate cover on 1993 April 14, be received for information purposes:

(a) Thank you letter from Canada Post to the Commissioner of Planning dated 1993 March 29

(b) Memo from Finance and Administration Committee to C.A.O. re: Funding of Consultant for GO Transit Centre dated 1993 March 29

(c) Correspondence from GO Transit to City Clerk re: Wheelchair accessibility of GO Transit Centre dated 1993 April 5

(d) Correspondence from GO Transit to City Clerk re: Design of GO Transit Centre dated 1993 April 5

(e) Recommendation from Director of Public Works to Transport and Environment Committee re: Bay Street North Closure dated 1993 April 8

(f) Information Report from Commissioner of Planning and Development Committee re: Approved Site Plan Control Applications dated 1993 April 27

(g) LACAC Minutes of 1993 March 15 dated 1993 April 27

(h) Information Report from Chairman, Urban Design Committee re: Hughson Street Corridor dated 1993 April 23

(i) Notice of Public Meeting on Wednesday, 1993 May 12, 7:00 p.m., 11th Floor Committee Room, 226 Rebecca Street to discuss the Proposed Closure of Cathcart Street

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

Copy sent to P. Noé Johnson, City Solicitor, Law Department - 1993 April 19

2.

CITY CLERK'S DEPARTMENT

MEMORANDUM

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TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J.J. Schatz
City Clerk

SUBJECT: ZONING APPLICATION
RE: 1314 UPPER WENTWORTH ST. DATE: 1993 April 15

Subjoined for your information and appropriate action is a copy of Section 15 of the Sixth Report of the Planning and Development Committee for 1993 regarding Zoning Application 92-53 to permit a butcher shop as an additional permitted use within the existing building at 1314 Upper Wentworth Street adopted by City Council at its meeting held 1993 March 30 which was reconsidered and referred back to the Planning and Development Committee.

15. That **approval** be given to Zoning Application 92-53, 518374 Ontario Limited, (Angello Papastamos), owner, requesting a further modification to the established "AA" (Agricultural) District regulations, to permit a butcher shop as an additional permitted use within the existing building, on property located at No. 1314 Upper Wentworth Street, as shown on the attached map marked as Appendix "F", on the following basis:

(a) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, as amended by By-law No. 92-075, applicable to the subject lands, be further amended as follows:

i. That Section 1.(a)(i) Commercial Uses, of By-law 92-075 be amended by adding the words "including an accessory butcher shop" after "a retail variety store" so that the Section reads as follows:

"(i) Commercial Uses:

1. a retail variety store including an accessory butcher shop;

2. a business and professional person's office,

within the building existing on the day of the passing of this by-law;"

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1158a, and that the subject lands on Zoning District E-18C be notated S-1158a;

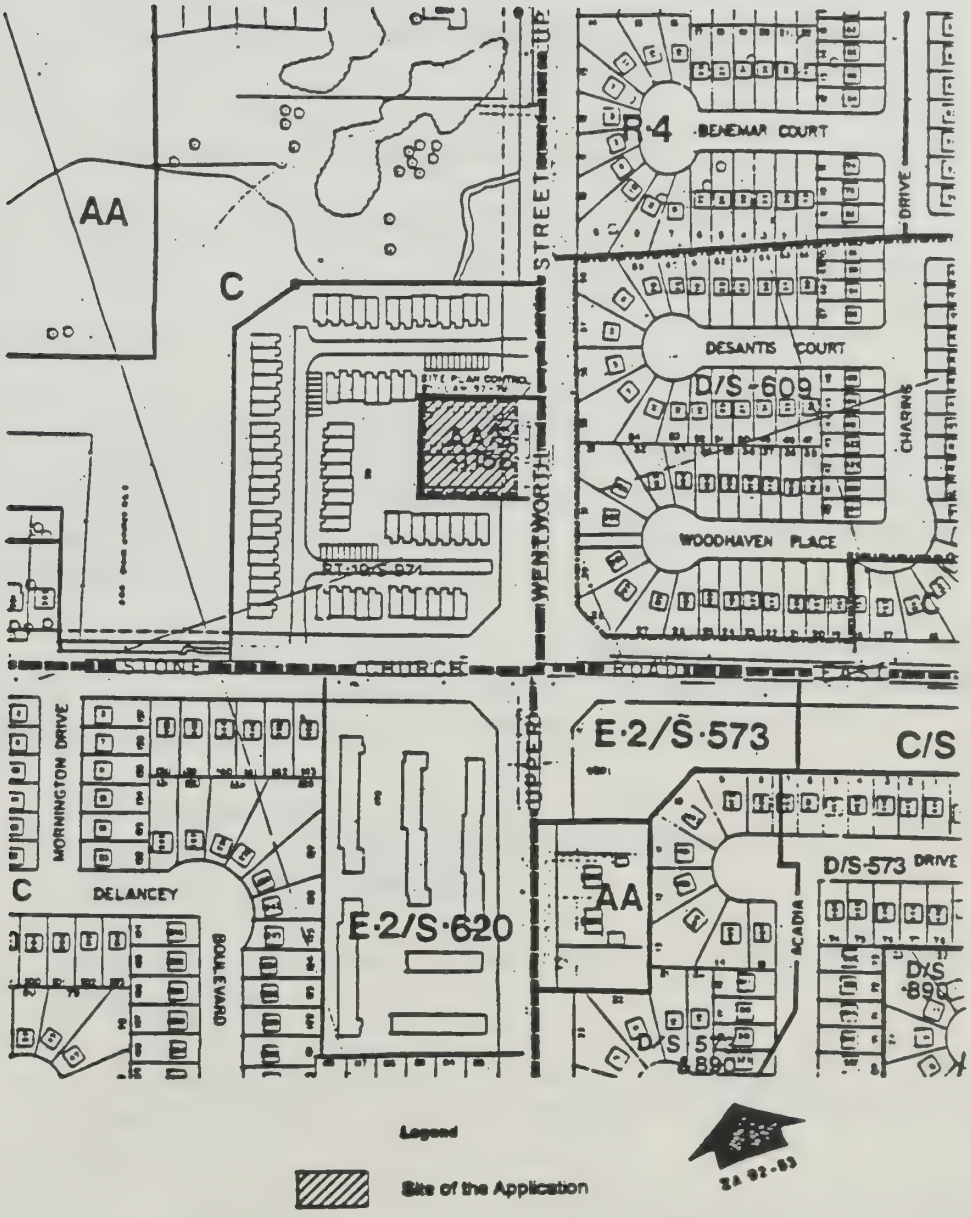
(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council;

(d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.



c.c.: Alderman T. Anderson
Alderman H. Merling
Mr. V. Abraham, Director of Local Planning

Appendix "F" as referred to in Section 15 of the SIXTH Report of the Planning and Development Committee for 1993



PDC meeting Apr 7 1993 – tabled to allow staff to prepare a pictorial of the site

3.

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
APR 0 1 1993
CITY CLERKS

DATE: March 31, 1993
ZA-91-59
Central Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification in Zoning - No. 29 Severn Street.

RECOMMENDATION:

That approval be given to amended Zoning Application 91-59, Leo Cascioli, owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit the development of the subject lands for a four (4) storey, 6 unit multiple dwelling, for the property located at 29 Severn Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

1. That notwithstanding Section 14.(1) of Zoning By-law No. 6593, a multiple dwelling consisting of three (3) class A dwelling units and three (3) housekeeping dwelling units shall be permitted;

2. That Section 14.(3)(ii)(a) of Zoning By-law No. 6593 shall not apply to the northerly lot line;

3. That notwithstanding Section 14.(3)(ii)(a) of Zoning By-law No. 6593, a side yard of a width of at least 1.2 m shall be provided and maintained along the southerly lot line;

4. That notwithstanding Section 14.(3)(iii)(a) of Zoning By-law No. 6593, a rear yard depth of at least 6.2 m shall be provided and maintained;

5. That notwithstanding Section 18A (1) of Zoning By-law No. 6593, not less than three (3) parking spaces shall be provided and maintained on the lot;

6. That Section 18A (1)(c) of Zoning By-law No. 6593 shall not apply; and,

7. That a landscaped area of not less than 25% of the lot area shall be provided and maintained at grade;

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-3 be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-3 for presentation to City Council; and,

iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the established "H" (Community Shopping and Commercial, etc.) District zoning regulations, for the property located at 29 Severn Street, as shown on the attached map.

The effect of the By-law is to permit the development of a four (4) storey multiple dwelling consisting of three (3) class A dwelling units and three (3) housekeeping dwelling units.

In addition, the By-law provides for the following variances as special requirements:

- Eliminates the side yard requirement along the northerly lot line, whereas 2.7 m is required;
- Permits a 1.2 m minimum side yard along the southerly lot line, whereas 2.7 m is required;
- Permits a 6.2 m minimum rear yard depth, whereas 7.5 m is required;
- Permits a minimum of three (3) parking spaces, whereas six (6) parking spaces are required;
- Eliminates the required loading space; and,
- Requires a minimum landscaped area of 25 % of the lot at grade.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The application as amended is for a four (4) storey multiple dwelling consisting of three (3) class A dwelling units and three (3) housekeeping dwelling units. The existing building will be demolished (see Appendix "B").

For the information of the Committee, the application was originally scheduled for a Public Meeting on Wednesday, February 5, 1992. However, at the request of the applicant the application was rescheduled in order to resolve concerns of the Traffic Department.

LOT SIZE AND AREA:

- 12.19 m (40.0 ft.) of lot frontage on Severn Street;
- 22.67 m (74.4 ft.+/-) of lot depth; and,
- 249.15 m^2 (2682.0 sq.ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant Building	"H" (Community Shopping and Commercial, etc.) District
Surrounding Lands		
to the north	Residential	"H" (Community Shopping and Commercial, etc.) District
to the south	Commercial and Residential	"H" (Community Shopping and Commercial, etc.) District
to the east	Commercial and Residential	"H" (Community Shopping and Commercial, etc.) District
to the west	Residential	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN:

The subject lands are designated ***Central Policy Area*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:

ii) Residential Uses of various types, including, but not limited to, single-family detached, semi-detached, row and apartment housing, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7;

2.8.2 The location of uses permitted within the CENTRAL POLICY AREA will be identified and detailed through the preparation of a Neighbourhood Plan.

A.2.1.14 In evaluating the merits of any proposal for multiple-family *RESIDENTIAL* development, Council will be satisfied that the following considerations are met:

i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The subject lands are also located within ***SPECIAL POLICY AREA 3***. Consequently, the following policies also apply:

"2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii); (O.P.A. No. 27)

i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;

ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;

v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;"

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated **"COMMERCIAL"** on the approved Central Neighbourhood Plan. The proposal does not conflict with the intent of the Plan. Furthermore, the Neighbourhood Plan is currently under review and the future use of the lands surrounding Severn Street will addressed.

RESULTS OF CIRCULARIZATION:

- The following agencies have reviewed the proposal and have no objection:

  - Hamilton Region Conservation Authority; and,
  - Union Gas.

- The Roads Department has advised that:

  "There are public watermains and combined storm and sanitary sewers available to service these lands. Any works which may occur within the Severn Street road allowance must conform to the City's Street By-law. According to plans from our files, the existing building at No. 29 Severn Street encroaches into the road allowance. If the existing building is to be retained, we recommend that as a condition of approval that the owner enter into an encroachment agreement with the City.

  With respect to the site plan submitted with the application, we recommend that the applicant provide 5m x 5m daylight triangles between the access and the property line wherein the height of objects, vegetation etc. is not to exceed 0.60 m in height above the centerline of Severn Street. Due to the nature of Severn Street, we will consider reducing these triangles to 3 m x 3 m should the requirement of 5 m triangles be too onerous on the owner. This daylight triangle is also required between the building and the adjacent driveway to the north.

  The grade of the access within the road allowance is not to exceed 3% and 5% for the first 7.5 m on private property.

More detailed comments will be made at such time as site, grading and landscape plans are submitted for our review and approval."

- The Traffic Department has advised that:

"On-street parking on Severn Street is presently at a premium. We prefer that the parking requirements of the Zoning By-law be provided on-site as part of the proposed new development. However, we would not be opposed to allowing only three parking spaces to be provided.

The applicant should be advised that parking on Severn Street is restricted to permit parking holders only and that residents of the building will not be eligible for parking permits. Potential renters should be advised of this restriction prior to rental of the building."

- The Building Department has advised:

"1. A multiple dwelling is not permitted.

2. A multiple dwelling is a building containing four (4) or more self contained Class A dwelling.

3. This proposal contains three (3) Class A dwelling units and three (3) Housekeeping dwelling units which is not a multiple dwelling.

4. This proposal shall require six (6) parking spaces and one (1) 3.7 m x 9.0 m x 4.3 m loading space.

5. This property is located in and may be subject to Site Plan Control By-law 90-285."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan and the Neighbourhood Plan.

2. The proposal has merit and can be supported for the following reasons:

i) it is an infill housing project in the Central Area which will contribute to a desirable housing mix within close proximity to shopping facilities, public transit, medical facilities, and other amenities;

ii) it will increase the supply of affordable housing; and,

iii) the proposed development will integrate and be sensitive to the adjoining residential/commercial development in terms of height, bulk, and arrangement.

3. Based upon a preliminary site plan (see Appendix "B"), approval of the application would require the following variances:

Yards

The side yard setback will be eliminated along the northerly lot line whereas 2.7 m is required.

The existing three (3) storey structure is built up to the northerly lot line and abuts an existing access driveway which provides access to the commercial uses fronting James Street North. Thus, the proposed yard is no less feasible than the current situation.

A side yard width of 1.2 m minimum has been proposed along the southerly lot line whereas 2.7 m is required. The existing structure is built up to the southerly lot line, thus the proposed yard is an improvement over the existing situation. Furthermore, a 1.2 m side yard will provide sufficient width for pedestrian access to the proposed open space/amenity area at the rear of the building.

A 6.2 m minimum rear yard depth has been proposed whereas a 7.5 m depth is required along the entire lot line. The existing building is approximately 1.2 m from the lot line at this point. The proposed yard is greater and it is intended to be utilized as open space/amenity area for the residential development.

Parking and Loading

Three (3) parking spaces will be provided on site whereas the By-law requires six (6) parking spaces (i.e. 1.0 spaces x 6 units).

No loading space will be provided on site whereas the By-law requires one (1) at 3.7 m x 9.0 m x 4.3 m minimum.

Given the location and nature of the proposal, the Traffic Department has advised they support the variances with respect to reduced parking and elimination of the required loading space.

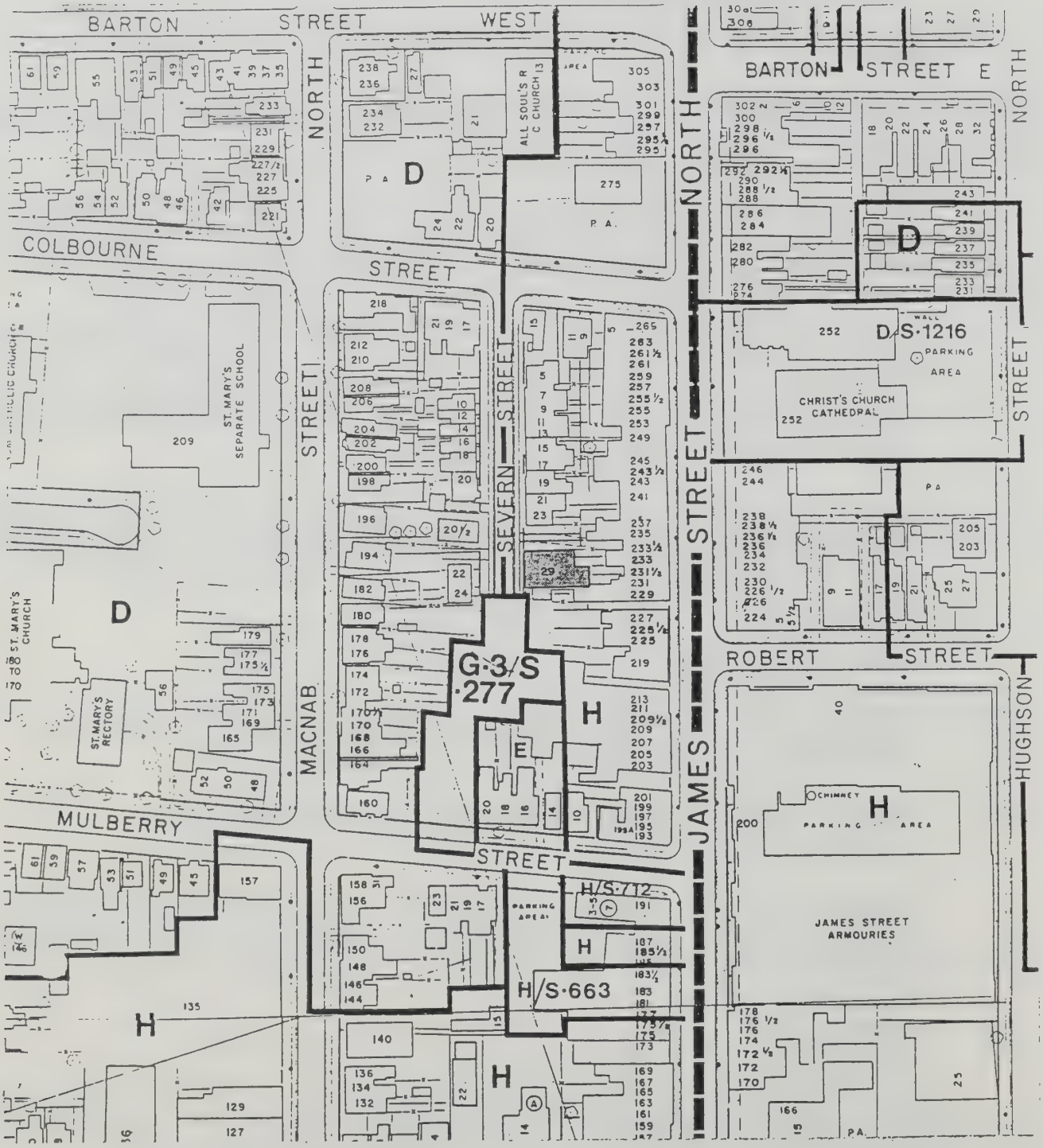
Landscape Area

The preliminary Site Plan indicates that a minimum 64.15 m^2 (25.75%) of landscape area will be provided at grade. The "H" zoning district does not have a requirement for landscaped area. Accordingly, it would be appropriate to require the landscape area as proposed.

4. It should be noted that the property is subject to Site Plan Control By-law 90-285. The applicant will be required to submit a Site Plan Control Application at which time matters related to access, parking layout, fencing, landscaping etc. will be addressed.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

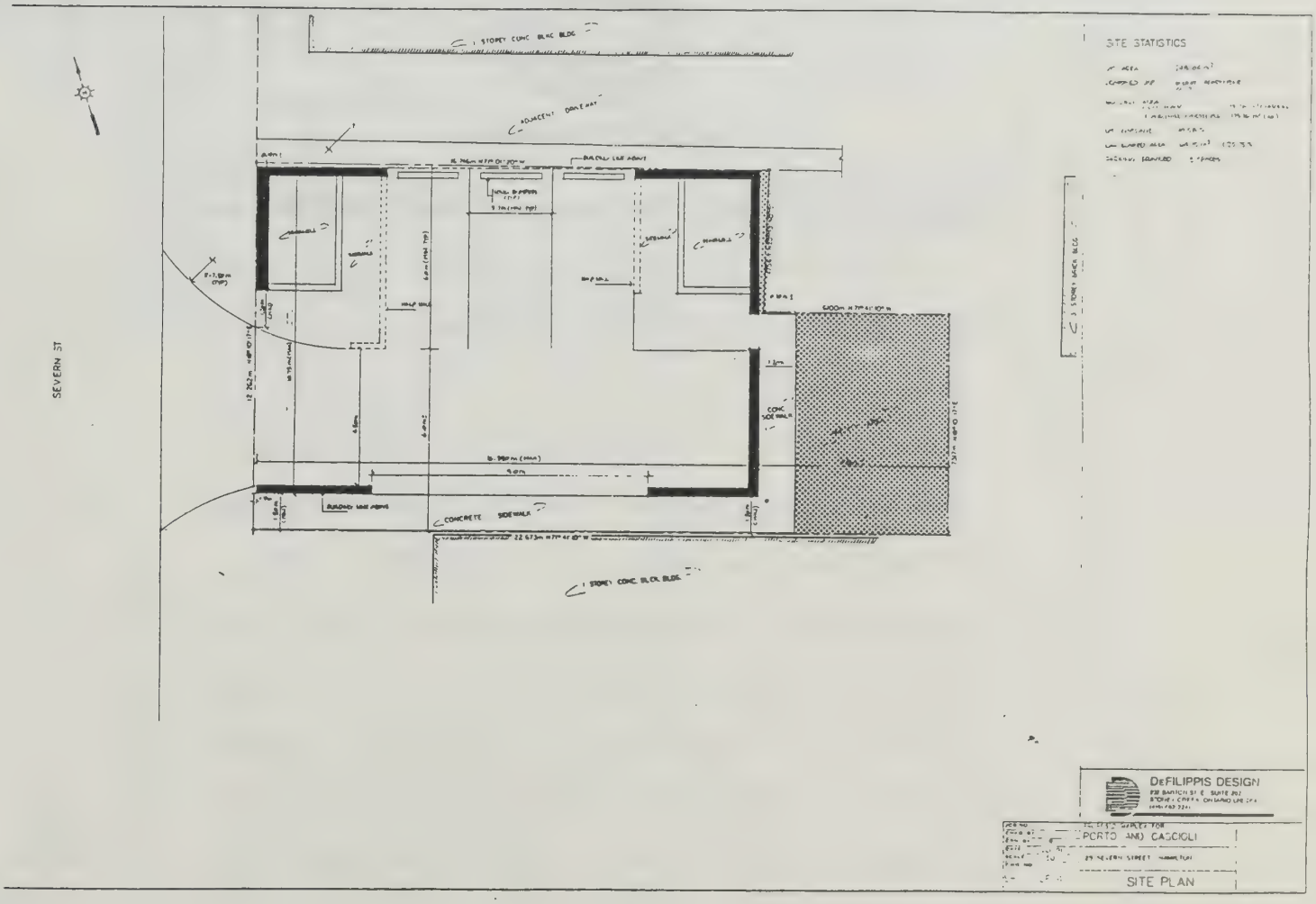


Legend

Site of the Application

ZA 91-59

APPENDIX A


SEVERN ST
1 STOREY CONC BLOC BLDG
ADJACENT DRIVEWAY
CONCRETE SIDEWALK
1 STOREY CONC BLOCK BLDG
SITE STATISTICS
DeFILIPPIS DESIGN
PORTO AND CASCIOLI
SITE PLAN

APPENDIX B

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee dated 1993 Apr 5

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RECEIVED
APR 02 1993
CITY CLERKS

ZA-91-59

To the City of Toronto Planning Commission

We the residents of Seven St are opposed to the proposed modification in zoning to permit redevelopment of 29 Seven St.
We are ready to fight for our rights. This building has been a death trap for years for the young children that walk by everyday to and from school.
I don't see a 6 unit apartment building on our street especially if it's tenants are going to be

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the residents from Steven St can attend. It is not fair that the is a meeting set that most of the people have any job and can not attend. Please let me know of the as possible.

Thank you.
Steven St. Resident of Steven St

We'll you'll hear
from Lucky.
Soon I am sure

Thankyou.
J. Rogue

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welfare people.
We the residents of Steven St have lived here a very long time (10 - 25 yrs).

In this letter I am sending the residents check. All residents from Steven St have sent their answer back. Those cards that the residents have signed are very opposed to the property rezoning to apartment building. I would really like to see the meeting you have scheduled for 10:30 a.m to be rescheduled to p.m. so

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4.

CITY OF HAMILTON

-RECOMMENDATION-

DATE: 1993 April 26

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Tina Agnello, Acting Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: 52 James St. South, former Bank of Montreal Building--request for sign location from Hamilton Tiger-Cat Football Club

RECOMMENDATION:

That the request to place a 12' square hardboard sign on the former Bank of Montreal's west (rear) facade from the Hamilton Tiger-Cat Football Club be denied for the reasons that the building is designated under the Ontario Heritage Act and that the Ontario Heritage Foundation holds a heritage easement on the property.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

n/a

BACKGROUND:

The Hamilton Tiger-Cat Football Club submitted a request on April 13, 1993 for a building permit to the Building Department for a 12' x 12' black hardboard sign picturing solely an 8' x 8' yellow tiger paw print (with no words or lettering) to be placed on the west facade of the former Bank of Montreal. The proponents advised that they have contacted the present owner of the property who has granted permission for this use.

The Building Department advised the proponents that the proposal was not considered a sign under the Hamilton Zoning By-law and therefore did not require a Building Permit. The Football Club was advised to submit the information to the Planning Dept. re: Site Plan Control. The Planning Department informed the applicant that there were no objections to the proposal under Site Plan Control.

However, since the Bank of Montreal was designated under the Ontario Heritage Act in 1979, the matter was referred to LACAC. On April 19, 1993, LACAC considered the Tiger-cat submission as an added item to its agenda. The committee voted to deny the request.

COMMENTS

Under the designation By-law No. 79-222, the entire structure is designated but the rear (west) elevation is described as "unfinished"; in this case, this rear facade is faced with brick rather than the ashlar Queenston limestone as on the other three facades.

Questions were raised about causing damage to the building by the installation of the sign and about establishing a precedent which would allow advertising on historic buildings. In this case, the proposed advertisement is not related to the use of the building.

LACAC suggested that the Hamilton Tiger-Cat Football Club consider locating the proposed sign on an established billboards or on the back of buses.

Because the Hamilton Tiger-Cat Football Club expressed interest in pursuing the former Bank of Montreal location, it was decided to convert the LACAC recommendation to a Heritage Permit application to be forwarded to City Council in accordance with the provisions of the Ontario Heritage Act (Section 33).

Requirements under Section 33 specify that Council must consult LACAC before making a decision (see above recommendation) and that Council must respond within 90 days (July 11, 1993).

Because a provincial heritage easement is held on the building, the Hamilton Tiger-Cat Football Club has been advised that their proposal must also be submitted to the Ontario Heritage Foundation, Ministry of Culture, Recreation and Tourism. Generally, those buildings protected by an Ontario Heritage Foundation easement are considered to be of provincial importance.

CONCLUSION

Because the former Bank of Montreal is a designated building and considered to be of provincial importance, it was concluded that the proposed sign was an inappropriate addition to the historic building.

cc. V.J. Abraham, Director of Local Planning, Att: N. Chapple
Peter Elliott, Ontario Heritage Foundation, 10 Adelaide St. East, Toronto, Ont. M5C 1J3
Ed Valtenbergs, Hamilton Tiger-Cat Football Club, 14 Hughson St. S., Hamilton, Ont. L8N 4H3

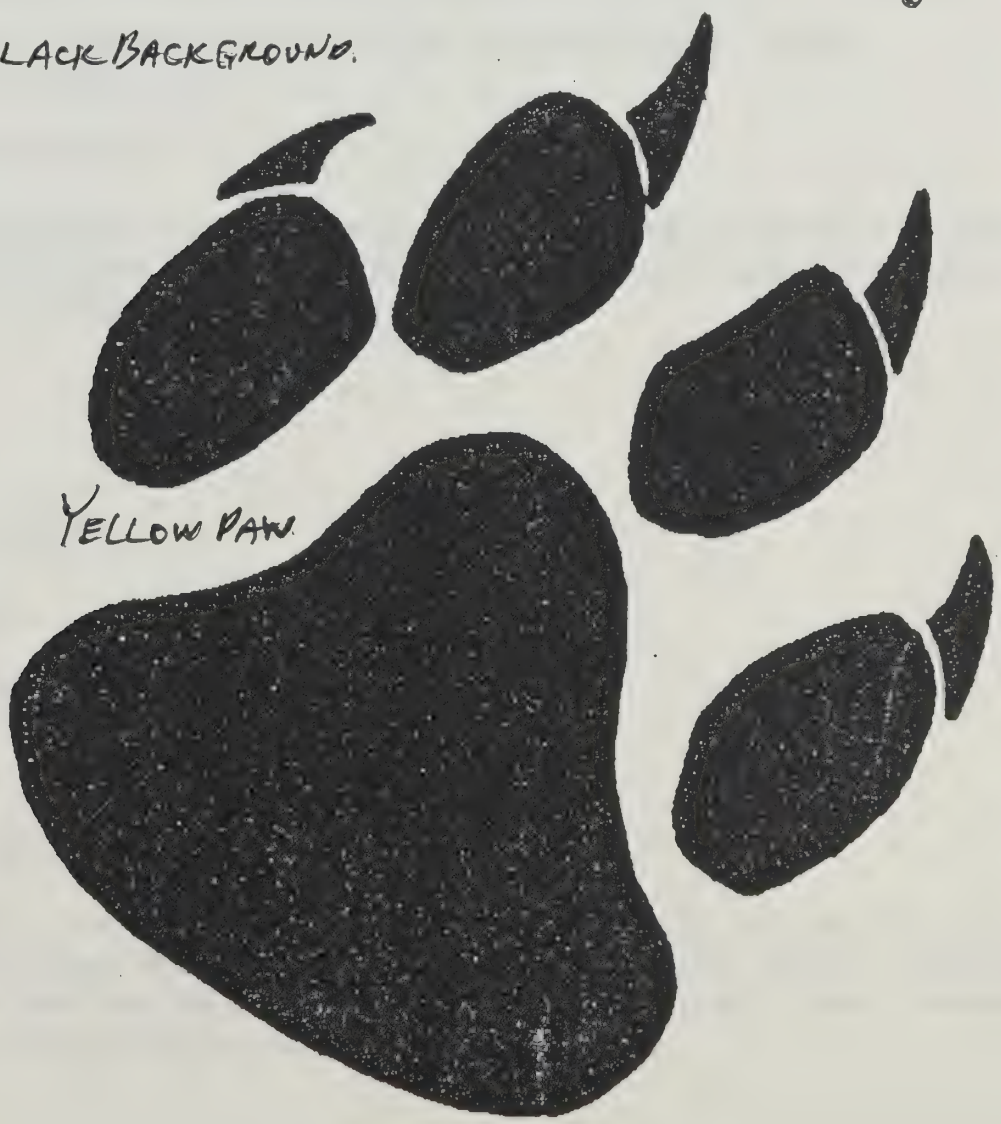
RIGHT HAND TOP CORNER

ABOVE FOR LEASE SIGN

EXISTING LEASE SIGN ON LOWER LEFT CORNER.

12' x 12' HARDBOARD.

BLACK BACKGROUND.



YELLOW PAW

ASSUME PAW TO BE LARGE BUT SUBMISSION DID NOT HAVE SQUARE OUTLINED. — MR TOM HOPKINS INDICATED COLORS & ONLY PAW — NO WRITING.

5.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: April 27, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: **Demolition Permit - 24 Victoria Avenue North (93.1.1.A)**

RECOMMENDATION:

That the requirement for the owner to obtain a building permit prior to release of the demolition permit be lifted and that the Building Commissioner be authorized to issue a demolition permit.

L.C. King, P.Eng.

LCK/PCL/dm

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On April 30, 1991, City Council approved Item 5.(b) of the Planning and Development Committee regarding a demolition permit for the above-noted property. At that time, the building at 24 Victoria Avenue North was in reasonable condition and the demolition approval read as follows:

...2

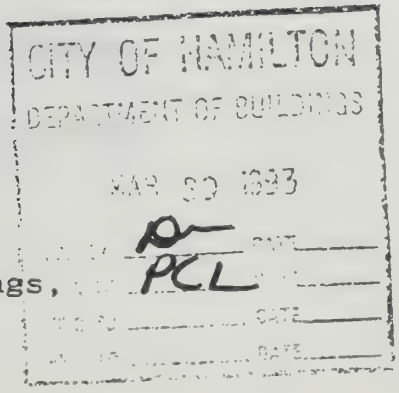
"5.(b) That no demolition permit be issued for 24 Victoria Avenue North until such time as the owner obtains a building permit. The demolition permit could then be issued in accordance with Section 33(6) of The Planning Act."

This Department has received a request from the owner of the property, 34 West Avenue North Inc., to lift the condition of the building permit as they wish to demolish 24 Victoria Avenue North together with 28 Victoria Avenue North. On March 30, 1993, City Council approved the demolition of 28 Victoria Avenue North without any condition of obtaining a building permit prior to demolition.

In that the owner wishes to demolish both properties at once, this Department can support lifting the condition initially placed on the demolition permit for 24 Victoria Avenue North. Please find attached the correspondence from the owner's representative requesting deletion of the condition.

FENGATE
REAL ESTATE
LTD.

industrial
and commercial
development



March 26, 1993

City of Hamilton,
Department of Buildings,
City Hall,
71 Main Street West,
Hamilton, Ontario
L8N 3T4

Attention: Mr. Peter C. Lampman
Director of Technical Services
and Deputy Building Commissioner

Re: 34 West Avenue North Inc.
24 Victoria Street

Dear Sir;

With reference to the report dated April 24, 1991 regarding the above noted property and specifically Item 5 (b) where it states "That no demolition permit could be issued for 24 Victoria Avenue North until such time as the owner obtains a building permit. The demolition permit could then be issued in accordance with Section 33(6) of The Planning Act." since two years have lapsed since this report, we are requesting that a demolition permit be issued at this time.

A demolition permit has been issued for 28 Victoria Avenue North, the owner of both properties, 34 West Avenue North Inc. would like to demolish both buildings at the same time.

Application has been made to the Ministry of Housing to construct a 43 unit non-profit housing project for senior citizen on these properties.

We would appreciate your consideration of this request, and I look forward to hearing from you in the near future with regards to this matter.

Yours truly,

FENGATE REAL ESTATE LTD.

Louis Serafini

499 King Street East Hamilton, Ontario, Canada L8N 1E1 Telephone (416) 524-2985

6.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 April 19
ZAR-93-06
Rymal Neighbourhood

RECEIVED
CITY CLERKS

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification in zoning - 1157 Rymal Road East.

RECOMMENDATION:

That approval be given to Zoning Application 93-06, Ashok Kumar, owner, requesting a modification to the "M-11" (Prestige Industrial) District regulations to permit a billiard parlour, on lands at 1157 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "M-11" (Prestige Industrial) District regulations, as contained in Section 17C of Zoning By-law No. 6593, be modified to include the following variance as a special requirement:

   a) Notwithstanding Section 17C(1)(c), a billiard parlour shall be permitted.

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59D be notated S- ;

iii) That the City Solicitor be directed to prepared a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council; and,

iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the established "M-11" (Prestige Industrial) District regulations for lands at 1157 Rymal Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a billiard parlour on the subject lands.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
N/A

BACKGROUND:

- Proposal

  The applicant is proposing to establish a billiard parlour within the existing plaza.

APPLICANT:

Ashok Kumar, owner.

LOT SIZE AND AREA:

	Existing Land Use	Existing Zoning
Subject Lands	Commercial (gas bar, car wash, donut shop, pizza restaurant)	"M-11" (Prestige Industrial) District
Surrounding Lands		
to the north	Storage/warehouse	"M-14" (Prestige Industrial) District
to the east	Commercial	"M-11" (Prestige Industrial) District modified
to the south	Light industrial	"M-12" (Prestige Industrial) District modified
to the west	Commercial	"M-11" (Prestige Industrial) District

OFFICIAL PLAN:

The subject lands are designated **Commercial** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Restricted Commercial" in the approved East Mountain Industrial-Business Park Plan. The proposal complies with the Neighbourhood Plan.

COMMENTS RECEIVED:

1. The Hamilton Region Conservation Authority, the Traffic Department and Trans-Northern Pipelines have no comment or objections.

2. The Clerk's Department - Licensing Division advises:

   "We have reviewed the above application for a zoning change at the above location and the License Division has no objection to this application.

   A Billiards license is required in order [to] operate a billiard parlour."

3. The Building Department advises:

   "This use is allowed in an "M-13" zone only."

4. The Hamilton-Wentworth Roads Department advises:

   "There are public watermains and separate storm and sanitary sewers available to service these lands.

   The designated road allowance width of Rymal Road East is 36.58m. In accordance with this designation, the Region previously acquired road widenings shown as Parts 1 to 5 inclusive, on Reference Plan 62R-6407 by Instrument No. 230546 C.D. Therefore, we do not anticipate any further road allowance widenings at this time.

Any works which may occur within the Rymal Road East road allowance, as widened, must conform to the Region's Roads Use By-law.

According to our information, the proposed billiard hall will be contained within the existing building and our comments are based on this fact.

Comments from the City Traffic Department with respect to access, parking etc. should be considered."

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the approved East Mountain Industrial-Business Park Plan.

2. The proposal has merit and can be supported on the following basis:

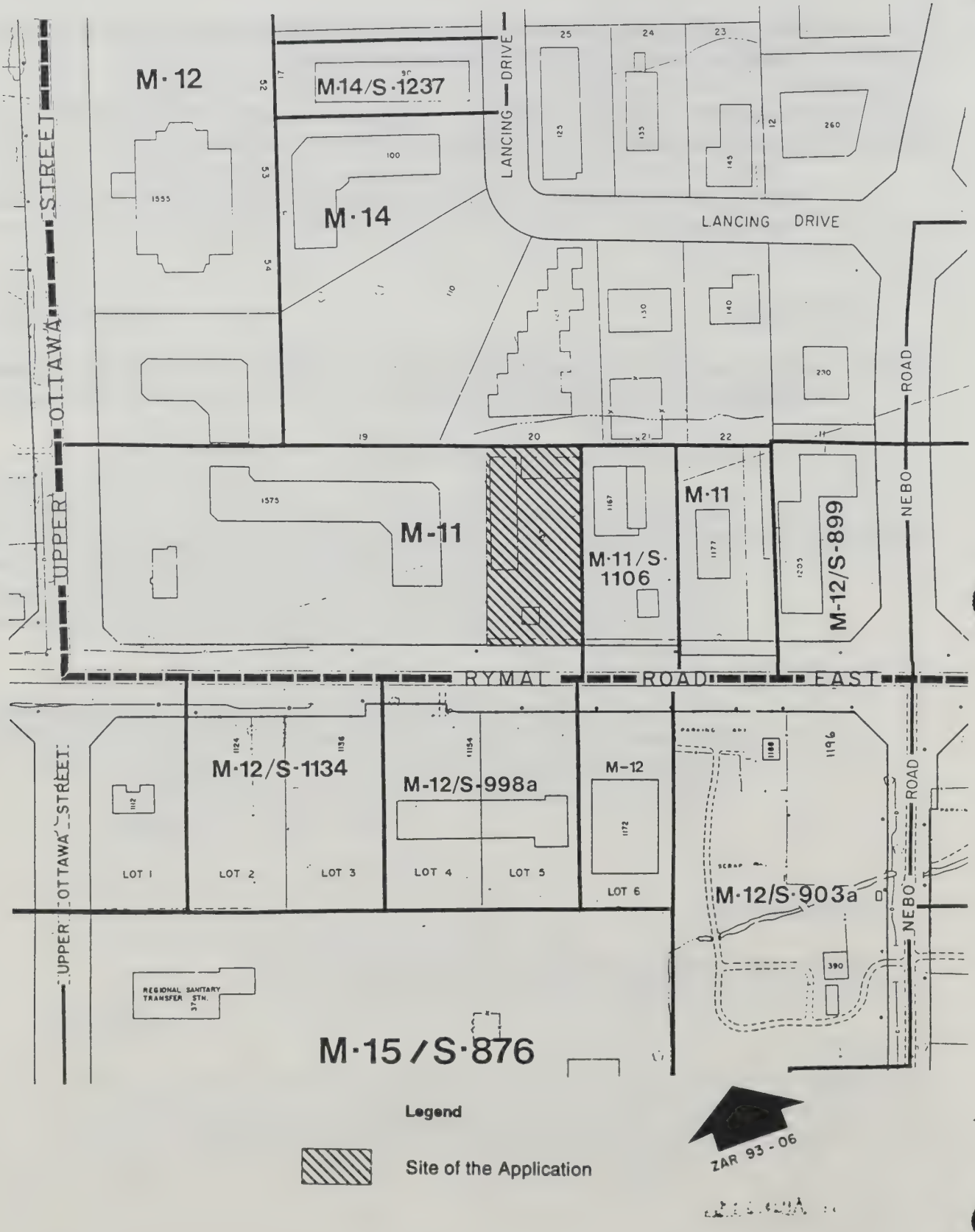
    - the "M-11" (Prestige Industrial) District allows for the greatest range of retail commercial uses within the East Mountain Industrial-Business Park. It is intended to provide services to the travelling public, as well as employees of the industrial park. In this regard, the proposed billiard parlour is no less feasible than similar uses permitted as-of-right such as hotels, restaurants and a variety of retail and office activities; and,

    - the subject lands are located on a major arterial road (Rymal Road East), surrounded on all sides by industrial, warehouse and commercial uses. Further, the subject lands are over 245 m (800 feet) from the nearest residential uses (northwest corner of Rymal Road and Upper Ottawa Street).

CONCLUSION:

Based on the foregoing, the application can be supported.

CLF/
9306


M·12
M·14/S·1237
M·14
LANCING DRIVE
LANCING DRIVE
UPPER OTTAWA STREET
M·11
M·11/S·1106
M·11
M·12/S·899
NEBO ROAD
RYMAL ROAD EAST
M·12/S·1134
M·12/S·998a
M·12
M·12/S·903a
UPPER OTTAWA STREET
NEBO ROAD
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
REGIONAL SANITARY TRANSFER STN.
M·15/S·876
Legend
Site of the Application
ZAR 93 - 06

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 April 20

60

MIYABI KARATE DOJO

SHOTOKAN KARATE INTERNATIONAL (S.K.I)
Hamilton, Ontario, Canada
(416) 522-8287

To the city of HAMILTON,

RECEIVED
APR 20 1993
CITY CLERKS

RE: Pool Hall @ 1157 Rymal rd. E.

we are definitly opposed to this idea of a Pool Hall at the above address.

Our business has a family orientation with very young children. I can state that all of our Parents would be opposed. We petition the city to disallow this "modification in Zoning".

with Respect.
mr. M. Hunter
chief Instructor.

Apr. 14/93

7(a) i.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: April 27, 1993
CI-91-H

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Review of Parking Lot Regulations and Design Standards.

RECOMMENDATION:

That the Planning and Development Committee give authorization to hold a public meeting to consider the proposed changes to Zoning By-law No. 6593, respecting landscaping requirements for public parking lots.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Downtown Action Plan Co-ordinating Committee requested the Planning Department to review the Zoning By-law and Licensing Guidelines pertaining to downtown parking lots. The Committee is concerned about temporary parking lots occurring in the downtown core with no control over buffering or regard for aesthetics.

PROBLEMS:

Attached are photographs (i.e. Pictures #1 to #6) illustrating some of the typical problems that can arise when there is no control over buffering and regard for aesthetics for parking lots.

We can observe parking lots that cover an entire city block with no landscaping and/or streetscape adjacent to the street. This typically results in large expanses of uninterrupted gravel and asphalt, adjacent to residential and/or commercial uses.

Parking lots located adjacent to single-family or multiple residential uses typically have a distance separation along their boundaries, but no landscape treatment (i.e. trees, shrubs, benches, paving patterns, fencing, etc.) adjacent to the residential use and/or the street.

Parking lots with little or no distance separation between the sidewalk and parked vehicles promote encroachment into the road allowance and, in some instances, infringe upon pedestrian movement along the sidewalk. Furthermore, there is little area available for enhancement of the parking lot and streetscape.

The number of parking lots in the downtown will increase due to the need for a source of revenue while awaiting redevelopment. In the mean time the problems associated with parking lots will become more noticeable. Typically, with little or no control over buffering and regard for aesthetics, parking lots will be visually obtrusive, create a negative impact on adjoining lands, and by and large alter the physical character of the established downtown core.

CITY OF HAMILTON POLICY AND REGULATIONS:

i) Official Plan

The City of Hamilton Official Plan recognizes the importance of public and private parking facilities and states in Subsection B.3.3:

" 3.3.4 Council will require that, in all normal circumstances, a high standard will be maintained in accordance with current design practices for PARKING and Loading facilities.

3.3.6 Where necessary and feasible, off-street PARKING, driveways and/or loading areas adjacent to Residential Uses will be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment. All Parking areas will be suitably surfaced to resist degradation from the elements or use and, where deemed appropriate, be illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land uses served thereby."

from the elements or use and, where deemed appropriate, be illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land uses served thereby."

The Official Plan provides direction regarding parking lot design. In this regard, actions to improve the quality of parking lot environments, provide mitigating measurers and specify landscape requirements can be implemented.

ii) Zoning Regulations

Public Parking lots are permitted in the following zoning districts:

- "G" (Neighbourhood Shopping Centre, etc.) District
- "G-1" (Designed Shopping Centre) District
- "G-2" (Regional Shopping Centres) District
- "G-3" (Public Parking Lots) District
- "H" (Community Shopping and Commercial, etc.) District
- "HH" (Restricted Community Shopping and Commercial etc.) District
- "I" (Central Business) District
- "HI" (Civic Centre Protected) District
- "CR-1" (Commercial-Residential) District
- "CR-2" (Commercial Residential) District
- "CR-3" (Commercial Residential) District
- "J" (Light and Limited Heavy Industry, etc.) District
- "K" (Heavy Industry) District
- "JJ" (Restricted Light Industrial District)
- "KK" (Restricted Heavy Industrial District)

The above-mentioned zoning districts all permit "public parking lots". In addition, landscape requirements are applied on the following basis:

- "G-3" (Public Parking Lots) Districts

  A minimum front yard depth equivalent to an adjoining residential district on that part of the public parking lot which is distant 12.0 m or more from an adjacent commercial district.

  A minimum 1.5 m setback from any residential building in an adjacent residential district, for a side or rear yard. Furthermore, there shall be provided between the boundary of the parking lot and the residential district, an area landscaped with a planting strip.

  A 1.2 - 2.0 m high visual barrier along a side or rear lot line that adjoins a residential district, except within 3.0 m of a front lot line.

- Other Zoning Districts

  Section 18A of the Zoning By-law has regulations that require buffering to mitigate the potential negative spill over effects (e.g. noise, headlight glare) of parking areas/lots when they abut a "residential district" as follows:

  Where five (5) or more parking spaces are provided for residential, institutional, public or commercial use on a lot adjoining a residential district, a minimum 1.5 m landscape area with a planting strip and a visual barrier 1.2 - 2.0 m high is to be provided and maintained between the boundary of the parking/loading area and the adjoining residential district.

Currently, any By-law regulations that do exist are intended to mitigate the potential negative spill over effects (e.g. noise, headlight glare) of parking areas/lots only when they abut a "residential district". Parking lots that are established in the downtown core typically abut "commercial districts", therefore the above-mentioned regulations for buffering and landscaping are generally not applicable.

iii) Site Plan Control

Parking lots proposed within the "Central Area" (lands bounded by Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue) are subject to Site Plan Control, as per By-law 90-285, regardless of their zoning district. Previously, only parking lots that were proposed within zoning districts regulated under By-law No. 79-275 (i.e."G", "G-1", "G-2", "G-3", "HH", "HI", "CR-1", "CR-2", "CR-3") and areas designated by way of a special by-law were subject to Site Plan Control.

iv) Parking Lot Licensing

The Licencing Division of the City Clerk's Department has advised that all parking lot proprietors require a "Garage D" licence in order to operate a lot and they must renew their licence on a yearly basis. The Licensing By-law only contains provisions respecting physical matters (e.g. lighting, barriers, signage, etc.) for parking lots, not "landscaping".

The application for a "Garage D" licence is only made when a new lot is being established or when there has been a change in ownership noted at the time of renewal.

When a parking lot licence is applied for in a zoning district that permits the use, the applicant is made aware that they are subject to the requirements of Zoning By-Law 6593, Property Standards By-law 74-74, and any other additional requirements (i.e. Site Plan Approval). The licence is then issued following approval by the City of Hamilton Licensing Committee.

Once the licence has been issued the City Clerks Department relies upon the Building Department for compliance to the Hamilton Zoning By-law regulations for parking lots.

The Building Department has advised that parking lots may go unchecked with respect to compliance to the Hamilton Zoning By-law, since they do not normally require a building permit to be developed. They would only require a permit if the kiosk structure exceeds 9.29 m^2 in area, which in most instances is not the case.

Invariably, parking lots are established without the benefit of Site Plan Approval and compliance in the past has generally been dealt with on a complaint basis.

INFORMATION OBTAINED FROM OTHER MUNICIPALITIES:

Ten (10) municipalities were circularized for information regarding parking lot regulations within their Zoning By-law (see Table 1).

Summary of Table 1

1. Six (6) of the ten (10) municipalities surveyed have specific regulations within their Zoning By-law pertaining to parking lots (i.e. number of required spaces, width of aisles and access driveways, parking space dimensions).

2. Four (4) of the ten (10) municipalities surveyed have setback requirements which limit the extent of paved area in relation to adjacent uses and road right-of-ways. The minimum distance separation from a road right-of-way is 0.9 m and the maximum is 3.0 m.

3. Three (3) of the ten (10) municipalities surveyed have landscape planting strip requirements, ranging from 3.0 m minimum in width to a maximum 9.0 m width, which buffer/screen the parking lots from adjacent uses and/or road right-of-ways (i.e. Brampton, Burlington, Ottawa).

4. All ten (10) of the municipalities surveyed regulate parking lots under Section 40 of the Planning Act (i.e. Site Plan Control).

In conclusion, half of the cities surveyed have regulations within their zoning by-law pertaining to parking lots (i.e. setbacks and landscape requirements). Furthermore, as a minimum design standard for parking lots, a landscaped planting strip which varies in width from 0.9 m to 9.0 m, but is typically 3.0 meters (10 feet) in width, is required where a parking lot abuts a road right-of-way.

COMMENTS:

The existing regulations associated with the "G-3" (Public Parking Lots) District and Section 18A (Parking and Loading Requirements) of the Zoning By-law are intended to mitigate negative spill-over effects (i.e. noise, headlight glare) of parking lots only when they adjoin a "residential district". No provision is made in the Zoning By-law for setbacks and/or landscaping for parking lots proposed in the remaining "commercial districts", such as the Central Area.

From an urban design perspective, the principle of requiring setbacks and landscape treatment for parking lots within the downtown core, has merit. Potentially, such requirements could provide a significant aesthetic benefit with respect to streetscape enhancement, beautification, and ensure safety along our highways and public right-of-ways (i.e. roads). The attached pictures #7 to #12 in comparison to pictures #1 to #6 reveal the benefit of setbacks and landscaped planting strips next to a highway and public right-of-way.

Accordingly, it would be appropriate to introduce regulations for parking lots, when they are located in a commercial district, abut a highway and/or public right-of-way, and adjoin a residential district.

Thus, the following is recommended regarding the regulation of parking lots:

1. That Section 13C - "G-3" (Public Parking Lots) District, be amended as follows:

   a) <u>Signs</u>

      That subclause (1) (iii) of Section 13C be amended by adding the words "Notwithstanding subclauses 2. (2) J. (xb) and 2. (2) J. (xxvi)," at the beginning of said subclause.

      This will allow the information and directional signs currently permitted to be

located within the proposed 3.0 m landscape area along a highway and public right-of-way.

b) Front Yard

That Clause (3) of Section 13C be deleted in its entirety and replace with a new clause, as follows:

"AREA REQUIREMENTS"

"(3) The following yards shall be provided within the district, and maintained as appurtenant to every building in a G-3 district:-

(i) Where a front yard is required for any lot on the same side of the street between two intersecting streets, a front yard of a depth at least as great as that required for any such lot, but in no case of a depth of less than 3.0 metres (9.84')."

This amendment clarifies and maintains the existing front yard requirement for a public parking lot that is proposed adjacent to a residential district, and adds a new provision to require a minimum 3.0 m front yard depth regardless of the adjacent use.

c) Landscaping, Paving, and Lighting

That Section 13C (4) and (5) be deleted in their entirety and replaced with a new clause (4), as follows:

"LANDSCAPING, PAVING, AND LIGHTING REQUIREMENTS"

"(4) (i) A landscaped area of not less than 3.0 metres (9.84') in width to be provided and maintained along any highway and public right-of-way, except for the area used for access driveways; (new requirement)

(ii) An area landscaped with a planting strip of not less than 1.5 metres (4.92') in width to be provided and maintained along and within every side lot line and rear lot line that abuts a residential district; (existing requirement)

(iii) A visual barrier not less than 1.2 m (3.94 feet) and not more than 2.0 m (6.56 feet) in height shall be provided and maintained along every side lot line, and rear lot line of a public parking lot which adjoins a residential district, except that no visual barrier shall be situated less than 3.0 metres in distance from a front lot line; (existing requirement)

(iv) All open areas except areas required to be landscaped shall be paved with asphalt or concrete, and so graded or drained as to ensure that surface water will not escape to neighbouring lands; (existing requirement)

(v) Every lighting facility shall be so designed, installed and maintained as to ensure that the light is deflected away from all lands designated for residential purposes, and any lighting of signs similarly be so deflected. (existing requirement)

2. That a new section be add to Section 18A of Zoning By-law No. 6593, as follows:

"18A (40) Every public parking lot shall be subject to the provisions of Section 13C."

Public parking lots are permitted as-of-right in several zoning districts. Accordingly, it would be appropriate to introduce a new provision within Section 18A of the zoning by-law to simplify interpretation and standardize requirements pertaining to public parking lots.

With the exception of item 4 (i), the foregoing regulations are in keeping with existing "G-3" (Public Parking Lots) Districts regulations and have been generally applied for site specific amendments for a public parking lot.

In addition, it is recommended that the Licensing Division of the City Clerks Department be directed to hold in abeyance the issuance of a "Garage D" licence, until there has been confirmation that the applicant has applied for and received Site Plan Approval, where required.

CONCLUSION:

Based on the foregoing, a public meeting should be held to obtain input on the proposed new regulations respecting landscaping requirements for public parking lots.

jl/JL
CI91H

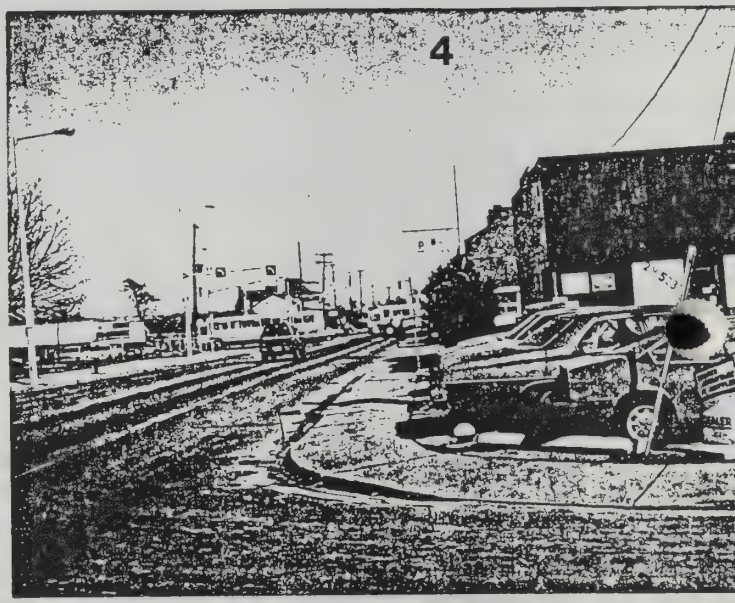
Table 1 - Summary of Regulations pertaining to parking lots from other municipalities

Municipality	Specific Regulations with their Zoning By-law	Setback Requirements	Landscape Requirements	Regulated under Section 40 of Planning Act
Brampton	No	3 m - from road right-of-way,	3 m to be landscaped	Yes
Milton	Yes	0.9 m - from road right-of-way 3.0 m from Residential 1.5 m every other side lot line	Yes, depends on zone. Site and Landscape Plan required.	Yes
London	Yes	3 m from right-of-way. 1.5 m from any other property line, except where joint or continuous.	Yes, in the form of Design Guidelines.	Yes
Oakville	Yes	No specific setback dimension but must be screened from street and adjacent premises.	Yes, parking are must be screened by landscaping next to residential.	Yes
Cambridge	Yes	3 m from road right-of-way	Yes, if under Site Plan Control Landscape Plan required.	Yes, if a structure proposed over 100 S.F.
Burlington	Yes	none	9 m from road right-of-way, to 3 m min. depending on street width	Yes
Ottawa	Yes	none	4 m from any boundary	Yes
Scarborough	none	No specific setbacks adjust to situation, Site Plan Control	Site Plan and Landscape Plan required.	Yes
Etobicoke	none	none	Determined under Development Control, site specific	Yes
North York	Yes	none	none	Yes


1


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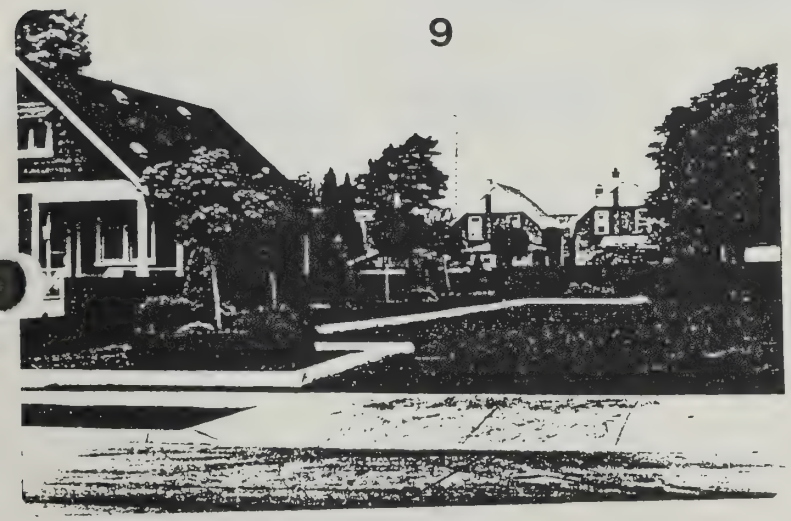

4


5
PARKING


6


7


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12

7(a) ii

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED

CITY CLERK'S

DATE: 1993 April 22
CI-91-I

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Mobile Signs

RECOMMENDATION:

That the Planning and Development Committee direct staff to hold an Open House/Public Meeting regarding "mobile signs" and that the appropriate public notice be given.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

To be determined

BACKGROUND:

Purpose

This study was undertaken in response to growing concerns regarding mobile signs in the City. The Building Department advises that they regulate mobile signs under the Zoning By-law for those signs that have had the wheels removed from the trailer chassis and are supported on metal legs. Such signs are deemed to be ground signs, and the requirements of the Zoning By-law apply. Enforcement is on a complaint basis only. The Building Department considers mobile signs with wheels attached as "vehicles" and do not regulate them under the Zoning By-law. In addition, mobile signs are prohibited on municipal road allowances in the City's and Region's Streets By-law. Enforcement, on a complaint basis only, is done by the Hamilton-Wentworth Roads Department (details discussed later in the report).

Some of the typical concerns with mobile signs include:

- detracts from the streetscape/aesthetics (photo 1);
- signs located within the site lines of an access drive, sidewalk or building can be a traffic visibility hazard (photo 2);
- opportunities for vandalism such as changing the letters, flat tires, or rocks being thrown at them (photo 3);
- conflicts with required landscaping. Some are placed on landscaped strips or directly on plant material thereby minimizing the positive quality of the landscaping (photo 4);
- many become "permanent" signs rather than temporary (photo 5);
- electrical cords often pose dangers to pedestrians as they are strung along the sidewalk or parking areas and often they are not maintained (photo 6);
- occupying parking spaces (sometimes required parking) and/or impeding on-site manouevrability (photo 7);
- blocking legal signs;
- signs knocked over by wind or unstable equipment can pose danger to pedestrians and motorists (photo 8);
- flashing lights can cause distractions to passing motorists; and,
- many are illegally parked on the road right-of-way (photo 9).

Legislative Controls

Provincial Statutes

Mobile signs can be regulated either under the Planning Act or under the Municipal Act. Of the 13 municipalities surveyed (discussed in more detail later in the report), all regulate mobile signs under the Municipal Act.

The following is a brief description of each legislation and some of the advantages and/or disadvantages of each.

Planning Act

Section 34 of the Planning Act (Appendix "A") gives municipalities the authority to restrict land use through the zoning by-law. Ground signs are currently regulated under the City's Zoning By-law. Mobile sign regulations under the Planning Act, would likely include a by-law with some of the following features:

- a definition of the term "mobile sign". This term is presently undefined in By-law No. 6593;
- areas (ie. Districts) where mobile signs would be permitted; and,
- other regulations which may be considered desirable such as: location on the lot; height; size of sign face; illumination; distances from other signs, buildings, access driveways or parking areas, etc.

There are several drawbacks with regulating mobile signs under the Planning Act:

- there is no mechanism to limit the time the mobile sign is in place other than through a "Temporary Use" by-law (Section 39) which permit temporary uses for a maximum of three years;
- signs in place the day the by-law is passed would be allowed to continue (i.e. they would become legal non-conforming); and,
- any new signs proposed not in conformity with the by-law could only be permitted through a zoning by-law amendment or variance.

Municipal Act

The Municipal Act allows municipalities to prohibit or regulate mobile signs under Paragraphs 146 and 147, Chapter M.45 (Appendix "B"), which applies to "signs and other advertising devices". These provisions include the following:

- specifying a time period during which signs may be displayed and their removal once the time limit has been reached;

- requiring the production of plans for signs, the charging of fees for the inspection and approval of such plans, and for issuing permits for approval. The municipality may also prohibit the erection, display, alteration or repair where a permit has not been obtained and may refuse such a permit;

- requiring the removal of signs at the owner's expense which contravene the by-law and may require anyone who has erected a sign without a permit or contrary to the permit, to make the sign comply with the by-law or remove the sign;

- requiring that a notice of the proposed by-law and notice of the Council meeting at which the proposed by-law is to be considered must be published at least 14 days prior to council consideration, and anyone can be heard who has requested to do so prior to the council;

- authorizing minor variances to the by-law for any person who so applies;

- providing for the continuation of signs erected prior to the passage of a by-law to regulate such signs (legal non-conforming); and,

- licensing, regulating and governing mobile sign leasing companies.

As previously noted, all the municipalities surveyed regulate mobile signs under the Municipal Act. A by-law passed under this Act has several advantages including: time periods may be imposed to regulate how long a sign can be in place; and, allow the municipality control over such things as location, size, etc.; and, the ability to license mobile sign leasing companies.

Municipal By-laws

By-law No. 6593

The Building Department deems mobile signs that have had the wheels removed from the trailer chassis and are supported on metal legs as "ground signs", and the requirements of the Zoning By-law and The Building Code Act apply. Violations of the Zoning By-law are handled on a complaint basis only.

Streets By-law

Hamilton Streets By-law 86-77 and Regional Roads Use By-law R77-109 prohibit the locating of signs, including mobile signs, on municipal road allowances.

The Hamilton-Wentworth Roads Department is responsible for enforcing this by-law. Given staff limitations, enforcement is on a complaint basis only mainly where they pose a safety hazard, or where their numbers are excessive. Most of the complaints concern commercial areas such as the downtown core of Hamilton, Westdale Village and various strip malls throughout the City.

The Department receives approximately 10 complaints per week from citizens, the Building Department or competing businesses with respect to the placement of mobile signs. A site inspection determines whether the sign is on the road allowance. Should it be determined that the sign is on the road allowance, a registered letter is sent to the abutting property owner requesting the sign be moved. If the sign is not moved within ten days, the City Public Works Department is instructed to remove it at the owners expense.

Summary of Survey Findings

Many municipalities across Ontario have passed by-laws to control or prohibit mobile signs. For the purposes of this study, a survey was undertaken of 13 municipalities (Brampton, Milton, London, Oakville, Cambridge, North York, Burlington, Ottawa, Kitchener, Stoney Creek, Etobicoke, Scarborough and Mississauga) to gain insight into possible alternatives for dealing with this issue. A summary of this survey is found in Appendix "C".

It should be noted that mobile signs are prohibited in Etobicoke and Scarborough. All other municipalities regulate mobile signs under the Municipal Act.

Locations Permitted (Zoning Districts, Land Uses)

Three municipalities surveyed permit mobile signs in all zones subject to limitations on size, purpose and time periods. Most municipalities however, limit such signs to specific zones such as industrial and commercial, and some specifically exclude them from residential and open space zones. Kitchener excludes mobile signs from the downtown core. Stoney Creek on the other hand, limits mobile signs to the opening and closing of businesses only.

Number Permitted

Most municipalities permit one sign per lot, frontage or business, and some permit additional signs for multi-tenancy buildings or a plaza. Two municipalities (North York and Kitchener) do not limit the number of signs in this manner. Two municipalities (Ottawa and Stoney Creek) limit signs by occupancy or business.

On-Site Location Restrictions

All municipalities had on-site location restrictions which included such things as: prohibition in required parking spaces; and, setbacks from lot lines, access driveways, residential uses, street lines, traffic signals, other signs, and other mobile signs. These varied from municipality to municipality. In addition, there were more general restrictions which were often not limited to mobile signs (eg. ground signs), such as: not to interfere with vehicular or pedestrian traffic; not to obstruct traffic signals, doors and windows; ensure electrical equipment complies with the appropriate utility regulations; design capability to ensure sign can withstand heavy winds; and, placement on private property only.

Time Limits

The Municipal Act allows a municipality to specify a time period in which a mobile sign can be displayed in any given location. The maximum time limits varied greatly between municipalities surveyed. For instance, Stoney Creek permits signs for a maximum of 30 days. Brampton allows for a maximum of two 14 day periods per year. Oakville also has a maximum of 14 days, with a minimum of 90 days between each permit. Most of the other municipalities have a maximum 30 day time limit however, there is a variation in time limits between signs. Milton has a 30 day waiting period between signs, and Cambridge has 180 days between permits. London has a 30 day time limit per sign with no time period between, but there is a maximum of 210 days per year. Ottawa has a 30 day time limit per occupancy per year.

Size Restrictions

Size limits vary between municipalities from a maximum of 15 m^2 in Mississauga to 2.9 m^2 in Burlington. Other size limitations are:

- 10 m^2 in Brampton and Milton;
- 6.7 m^2 in Oakville, Kitchener and Cambridge;
- 6 m^2 in London;
- 5.6 m^2 in Ottawa;
- 4.7 m^2 in North York; and,
- 4.0 m^2 in Stoney Creek.

The typical sign size is 6.7 m^2.

Flashing Lights

All the municipalities surveyed, except Kitchener and Stoney Creek, prohibit flashing lights on mobile signs. Stoney Creek and Kitchener permit flashing signs only where the intervals between flashes are more than three seconds.

Permit Fees

Permit fees are relatively modest for mobile signs and range from $25 to $100. The Town of Oakville charges $100 for a permit, but also requires a $100 deposit to be returned only when the sign is removed. Some municipalities charge by square foot (Ottawa charges $25/sign plus .33 cents/square foot for an illuminated sign and .11 cents/ square foot for a non-illuminated sign) and others charge by construction value (Stoney Creek charges $8/$1000 construction value with a minimum fee of $50).

Special Purpose Limitations

Some municipalities limit mobile signs for specific reasons as follows:

- Brampton - permitted only to announce the opening of a new business, providing a business license has been obtained, and to announce a closing sale of an existing business, only if a special sale license has been obtained;

- Cambridge - permitted only for a change in use, occupancy or owner, or for closing of business sales;

- North York - permitted only for a public event or an opening/reopening of a seasonal business; and,

- Stoney Creek - permitted only for each new business or newly relocated business.

Special Studies

The **City of London** undertook a comprehensive study of their sign by-law in 1991. As a result, a new by-law was drafted which included limiting the use of mobile signs similar to Stoney Creek, Brampton and North York. As a result of an extensive public participation program, the final approved by-law relaxed such limitations. London has also passed a by-law licensing mobile signs operators.

The **City of Burlington** also undertook a comprehensive review of their sign by-law. Like London, Burlington's draft by-law placed limitations on the use of mobile signs. As a result of the public participation process, a special committee was struck to revise the draft by-law and relax those limitations. The revised draft by-law is expected to go back to City Council in early 1993.

The **City of Ottawa** undertook a lengthy review of their sign by-law in 1989. As a result, a draft by-law was prepared which specifically excluded mobile signs. Council did not support this proposal and directed a more pro-active approach to enforcement of the existing regulations. This was successful until enforcement staff was reduced due to budget cuts.

The **City of Kitchener** undertook a major review of their sign by-law in 1988. Like Ottawa, Kitchener staff recommended that mobile signs be prohibited and that the regulations for ground signs be relaxed. As a result of public input, a new sign by-law was passed by Council which tightened up the existing regulations but still permitted mobile signs. Kitchener is in the process of preparing a by-law to license mobile sign operators.

Summary

Two of the 13 municipalities surveyed prohibited mobile signs. Several municipalities which permitted them, did so only an a limited basis (Stoney Creek, North York, Cambridge). All of those municipalities who reported problems with mobile signs, identified a need for stringent enforcement of the by-law. In other words, the by-law could only be effective if it was pro-actively enforced. Several municipalities noted that the sign industry requested municipalities to pro-actively enforce their mobile sign by-laws.

Those municipalities who had recently undergone preparing/revising by-laws for mobile signs, noted a strong lobby from the business community and the mobile sign industry against placing severely restrictive regulations on mobile signs. Ottawa and Kitchener staff recommended to their respective Councils mobile signs should be prohibited. Burlington staff recommended strict special purpose limitations. As a result of public input however, all these recommendations were not endorsed by the local Councils.

Licensing Mobile Sign Operators

The Cities of London and Mississauga, in addition to having by-laws regulating mobile signs, also have by-laws licensing mobile sign operators. The City of Kitchener is intending to pass a licensing by-law in the near future. The Town of Milton is considering introducing a licensing by-law.

The main advantage to having a by-law licensing mobile sign operators is to control those companies that lease mobile signs in the municipality. In London for example, any company that leases mobile signs to businesses in the City (whether the sign company is located in the City or not) **must** have a license to carry on the business in the City. In other words, if the leasing company is not licensed, it cannot lease mobile signs in the City. This by-law has been effective in controlling mobile sign operators.

The City of Mississauga provides less strict regulations for those signs leased from mobile sign operators who are licensed by the City. For instance, if an operator is not licensed, then such signs are permitted only on the following basis: a special event sponsored by a patriotic, religious, professional, athletic, charitable or similar organization, or the opening of a new business; a parking control device approved by the Police; and, a reopening of a seasonal business that has been closed a minimum of 60 days, but only for a maximum of 30 days. A licensed operator is permitted to place signs in commercial zones (free-standing retail outlets, shopping centres, automobile commercial, and motor vehicle dealerships), and industrial zones (only where there is related retail sales) for a maximum of 14 days with 6 weeks between signs.

The City of Kitchener is preparing a licensing by-law which is intended to go to Council in early Spring. In following the example of London, Kitchener sees that the licensing of operators could be an important component in the successful administration and enforcement of portable sign regulations. It is their intent to model the licensing by-law after London's by-law.

The Town of Milton has experienced numerous problems with mobile signs (eg. erected without a permit). In an effort to regulate and control the industry more effectively, the proposed licensing by-law will provide that if the mobile sign operator contravenes **either** the licensing by-law **or** the mobile sign by-law regulations more than twice, their license will be revoked disallowing them to do any further business within the Town.

The City of Hamilton's Law Department has advised that "In order to effectively and efficiently establish non-conformity with any by-law passed to regulate mobile signs, it would be advisable ...to first regulate and license persons carrying on the business of leasing mobile signs pursuant to...the Municipal Act."

Major Issues

In undertaking this study, there are two major issues that have surfaced which should be discussed prior to identifying possible courses of action the City could take on the matter of mobile signs: **enforcement**; and, **legal non-compliance**.

Enforcement

Many of the municipalities surveyed identified "enforcement" as a central theme in talking about mobile signs. Specifically, **proactive enforcement** was seen as the strongest factor in an effective by-law regulating mobile signs. Ottawa enacted proactive enforcement of its existing by-law as an alternative to total prohibition of mobile signs. As noted previously, this was effective until enforcement staff was reduced due to budget constraints, resulting in many new illegal signs appearing.

The City and Region enforce the regulations effecting mobile signs (ie. By-law No. 6593 for signs without wheels, and the respective Streets By-laws) on a complaint basis. Proactive enforcement of existing by-laws or any new regulations with respect to mobile signs will likely require additional manpower and equipment.

Legal Non-Compliance

The City's Law Department, as noted previously, has advised that one way to deal with non-compliance was to first regulate mobile sign operators similar to the City of London. In this regard, the Law Department has advised that: "...Such a regulatory system could determine the status quo or non-conformity permitted before any regulatory by-law concerning mobile signs was passed. In turn, once a mobile sign by-law was passed, the City would be able to determine on a case by case basis, whether a particular sign in a particular location...enjoyed non-conforming status under the by-law."

Another means to determine non-conformity would be to inventory all the mobile signs in the City prior to passing a mobile sign by-law. The City of Stoney Creek made a complete pictorial inventory of all mobile signs in the City. By doing this they created a record of all signs in the City, and where they were located on the property should the question of conformity arise. The inventory took one person two weeks to complete. Each new sign with a permit is added to the inventory. The City of London also took a pictorial inventory in some portions of the City. In addition however, they undertook an inventory on video tape. They found this exercise very useful in determining legal non-conformity with the new sign by-law. It took two people two weeks to complete.

Considering the size of Hamilton and the number of mobile signs a photo or video inventory could be an expensive and onerous task.

The City of London gave mobile sign operators a "grace" period of seven months to comply with the new by-law before they started enforcement. This grace was duly advertised in local newspapers and discussed with the business community and mobile signs operators to ensure there would be no one who could claim they were not aware of the new regulations.

The City should have a position on this matter prior to passing by-laws to regulate mobile signs.

Development of Options

The survey of municipalities indicates various ways in which mobile signs could be regulated by the City, ranging from total prohibition to no change from the present regulations noted previously. Several municipalities cited proactive enforcement as the key factor for effective regulation.

In order to develop an appropriate course of action for the City, four options have been developed for consideration. Each option is evaluated in terms of its advantages and disadvantages including an indication of financial costs and benefits, administration, aesthetics and image, safety, etc.

Option 1 - No Change

This option would maintain the existing regulations (ie. By-law No. 6593 for signs without wheels, and the City and Region Streets By-law). It would incur no additional costs, however the problems associated with mobile signs (eg. poor aesthetics, traffic hazards, etc.) which gave rise to this study, would remain.

An alternative which could be pursued under this option is **pro-active enforcement** of the existing regulations. The Hamilton-Wentworth Roads Department could actively remove all signs on the municipal road allowances. The City Building Department could enforce the sign regulations for all signs which have had their wheels removed from the chassis. The Building Department advises that proactive enforcement would have significant implications including increased costs related to staffing, administration and equipment. Hamilton-Wentworth Roads Department advises their costs would increase under this alternative. However, since the City's Public Works Department is responsible for ensuring the signs are removed (by directions from the Roads Department), costs to Public Works would increase as additional staff, equipment (hitches on vehicles) and storage facilities would be required. Further there is a question of liability should a sign be damaged while in the City's possession.

Such an action would undoubtedly reduce the number of signs initially, and thereby improve the appearance of the streetscape somewhat. The larger issue of aesthetics would not be dealt with on a comprehensive manner, and other matters such as permanency, traffic and safety hazards and other associated problems would still prevail. Further, such an initiative must be on-going to be effective, therefore any reduction to budgets to allow for its continuation would bring the City to the same position it is to-day. A major drawback to this alternative is that, given the Building Department interpretation, it would not address mobile signs with wheels.

Option 2 - Total Prohibition

This would entail total prohibition of all mobile signs anywhere in the City for any reason. The City would have to pass a by-law under the Municipal Act to prohibit mobile signs. Etobicoke and Scarborough prohibit mobile signs. All the present problems with mobile signs would be eliminated and the City's streetscapes would be visually more attractive. The most significant drawback would be costs associated with enforcement. Another concern is the question of legal non-conformity. Signs that are in place legally at the passing of a by-law under this Option, would be permitted as legal non-conforming providing they remain in the same location.

If a by-law regulating mobile signs was passed and enforced by the City Building Department, then inspectors would have to be equipped with vehicles with trailer hitches. Further, the City would have to establish a compound for holding purposes. The Building Department advises that staffing requirements for such an alternative cannot be determined until such time as a by-law is finalized and an assessment of the number of violating signs is completed.

Option 3 - Permit Mobile Signs With Specific Limitations

A number of municipalities regulate mobile signs (under The Municipal Act) but only for specific purposes and time periods. Some limit mobile signs for new or relocating businesses only, for a limited time period (ie. 30 days). Others permit mobile signs only for: advertising a government, education, religious, etc. event or the opening of a new business. Such specific limitations are in addition to other regulations such as: setbacks from access driveways, property or street lines, etc.; maximum size; maximum number of signs permitted per property; lighting limitations; specific time periods the sign can be in place; etc.

Implementation of this option could significantly reduce the number of signs and improve the visual appearance of streetscapes. Municipalities with these specific prohibitions have notably fewer mobile signs. Many of the other regulations noted above, could alleviate concerns regarding traffic visibility, conflicts with landscaping, permanency, use of required parking spaces, flashing lights, etc. The permit fees would generate revenue for the municipality which may partially offset the costs of administration and enforcement.

The Building Department has indicated that regulation of mobile signs "...will require staff time and possibly additional equipment...a tracking system will have to be developed and implemented to monitor and enforce the prescribed time limits...it is anticipated that some of the new service would be accommodated without an increase to...present staff compliment. It should be noted, however, that depending upon the effect of the by-law and the number of existing signs which would be illegal under the new by-law, the enforcement of the new requirements may require additional staff."

Similar to Option 2, this Option must include proactive enforcement to be effective. Further, the concern with respect to legal non-conformity, mentioned in Option 2, would apply to this Option.

Option 4 - Permit but Less Restrictive than Option 3

This Option is similar to Option 3 in that all regulations with respect to setback, location, size, time limits, etc. would be in place, however there are less strict limitations as to special purpose events and so on. Ottawa, Kitchener and London are good examples of this Option.

This Option has the advantage of reducing the number of signs, controlling their location and on-site placement; as well as being revenue generating. It could alleviate many of the concerns regarding mobile signs noted previously. The major drawback to this Option, as experienced by both London and Ottawa, is the need for proactive enforcement. To be effective in dealing with the many problems associated with mobile signs, a proactive enforcement policy must be in place. This may involve extra manpower costs as noted above in Option 3 in the comments from the Building Department.

Preferred Option

Option 4 (discussed above) is recommended as the "preferred option" for regulating mobile signs. It is suggested that by-laws be passed to require permits for mobile signs and to license mobile sign operators (under the Municipal Act). Licensing mobile sign operators will give the City better control in the administration and enforcement of the portable sign regulations.

This Option will reduce the number of signs, control their location and on-site placement, and improve the appearance and aesthetics of the streetscapes. It will alleviate many of the concerns regarding mobile signs noted previously (aesthetics, traffic hazards, conflicts with landscaping, etc.). Inherently, the adoption and implementation of this Option will require proactive enforcement of the City and Region's streets by-laws.

It is suggested that the following regulations be considered in the implementation of this option:

- **Definition** - "portable" or "mobile" sign means a sign mounted on a trailer or other free standing structure which is not anchored in the ground and is designed in such a manner so as to facilitate its movement from place to place, but does not include a sign attached to a vehicle where the principle use of the vehicle is the transportation of people, goods or other materials;

- **Permits and Fees** - details of permits and fees for mobile signs and licenses for mobile sign operators to be determined at the draft by-law stage;

- **Location (zoning districts)** - commercial and industrial districts such as all the "G" Districts [except "G-3" (Public Parking Lot) District], the "H" and "HH" Districts, the "J" and "JJ" Districts, the "K" and "KK" Districts and all the "M" Districts. Mobile signs will be prohibited in the "downtown core" (as defined on Schedule "A" of Official Plan Amendment No. 66);

- **Number Permitted** - one per property;

- **On-Site Location Restrictions** - consistent yard requirements for all mobile signs regardless of zoning district (ie. 1.5 m or 3.0 m setback from property lines), prohibit in required parking spaces, and, require a minimum radial separation from another mobile sign (eg. 15 m or 50 feet);

- **Time Limits** - maximum 30 days with sixty days in between to a maximum of 120 days per year;

- **Size** - maximum 6.7 m^2 (72.12 square feet); and,

- **Flashing Lights** - prohibit.

Recommendation

Based on the foregoing, it is appropriate to schedule a formal public meeting of the Planning and Development Committee to gain public comment on the various options prior to the Committee making a final decision on this matter.

CF/



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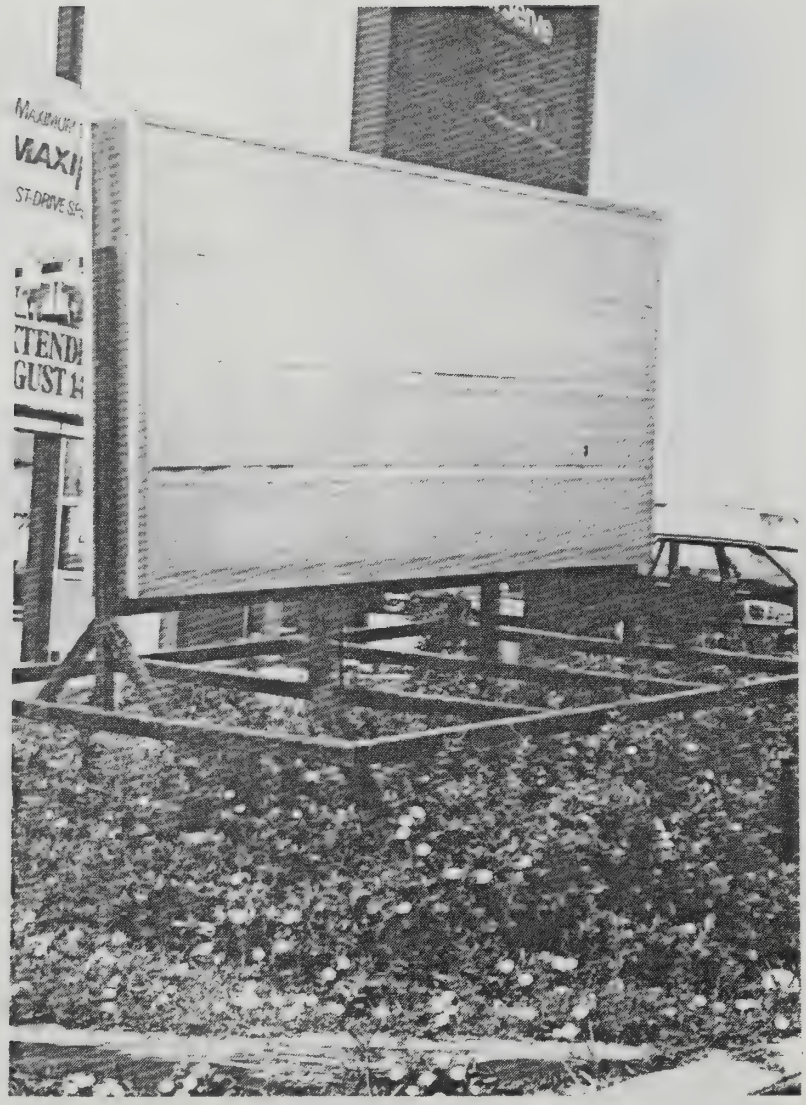
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LAND USE CONTROLS AND RELATED ADMINISTRATION

Zoning by-laws

34.—(1) Zoning by-laws may be passed by the councils of local municipalities:

Restricting use of land

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

Restricting erecting, locating or using of buildings

2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Marshy lands, etc.

3. For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy or unstable.

Construction of buildings or structures

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

Minimum elevation of doors, etc.

5. For regulating the minimum elevation of doors, windows or other openings in buildings or structures or in any class or classes of buildings or structures to be erected or located within the municipality or within any defined area or areas of the municipality.

Loading or parking facilities

6. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain loading or parking facilities on land that is not part of a highway.

Pits and quarries

(2) The making, establishment or operation of a pit or quarry shall be deemed to be a use of land for the purposes of paragraph 1 of subsection (1).

Minimum area and density provisions

(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the density of development in the municipality or in the area or areas defined in the by-law.

Interpretation R.S.O. 1980, c. 302

(4) A trailer as defined in clause (a) of paragraph 95 of section 210 of the *Municipal Act* and a mobile home as defined in clause 45 (1) (a) of this Act shall be deemed to be a building or structure for the purposes of this section.

Prohibition of use of land, etc., availability of municipal services

(5) A by-law heretofore or hereafter passed under paragraph 1 or 2 of subsection (1) or a predecessor of such paragraph may prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to service the land, buildings or structures, as the case may be.

Certificates of occupancy

(6) A by-law passed under this section may provide for the issue of certificates of occupancy without which no change may be made in the type of use of any land covered by the by-law or of any building or structure on any such land, but no such certificate shall be refused if the proposed use is not prohibited by the by-law.

Use of maps

(7) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law and the information shown on such maps shall form part of the by-law to the same extent as if included therein.

Acquisition and disposition of non-conforming lands

(8) The council may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed under this section and any vacant land having a frontage or depth less than the minimum prescribed for the erection of a building or structure in the defined area in which such land is situate, and the council may dispose of any of such land, building or structure or may exchange any of such land for other land within the municipality.

Excepted lands and buildings

(9) No by-law passed under this section applies,

(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

(b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit has been issued under section 5 of the *Building Code Act,* prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under section 6 of the *Building Code Act.*

R.S.O. 1980, c. 51

By-law may be amended

(10) Despite any other provision of this section, any by-law passed under this section or a predecessor of this section may be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.

Appeal to O.M.B.

(11) Where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council refuses or neglects to make a decision thereon within thirty days after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and dismiss the same or amend the by-law in such manner as the Board may determine or direct that the by-law be amended in accordance with its order.

Information and public meeting

(12) Before passing a by-law under this section, the council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in the manner and to the persons prescribed, for the purpose of informing the public in respect of the proposed by-law.

Time for meeting, etc.

(13) The meeting mentioned in subsection (12) shall be held not sooner than thirty days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed by-law.

Alternative procedure

(14) Where there is an official plan in effect in the municipality that contains provisions describing the measures for informing and securing the views of the public in respect of proposed zoning by-laws the provisions of subsections (12) and (13) do not apply to such proposed by-laws if the measures are complied with.

Comments by agencies, etc.

(15) The council shall provide to such boards, commissions, authorities or other agencies as the council considers may have an interest in the proposed by-law, adequate information, and before passing the by-law the council shall afford them an opportunity to submit comments in respect of it up to such time as is specified by the council.

Further notice

(16) Where a change is made in a proposed by-law after the holding of the meeting mentioned in subsection (12), the council shall determine whether any further notice is to be given in respect of the proposed by-law and the determination of the council as to the giving of further notice is final and not subject to review in any court irrespective of the extent of the change made in the proposed by-law.

Notice of passing of by-law

(17) Where the council passes a by-law under this section, except a by-law passed pursuant to an order of the Municipal Board made under subsection (11), the clerk of the municipality shall, not later than fifteen days after the day the by-law was passed, give written notice of the passing of the by-law in the manner and in the form and to the persons and agencies prescribed.

Appeal to O.M.B.

(18) Any person including the Minister or agency may, within thirty-five days from the date of the passing of the by-law, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

When by-law deemed to have come into force

(19) When no notice of appeal is filed under subsection (18), the by-law shall be deemed to have come into force on the day it was passed except that where the by-law is passed under circumstances mentioned in subsection 24 (2) the by-law shall not be deemed to have come into force on the day it was passed until the Minister has approved the amendment to the official plan as mentioned in subsection 24 (2).

Affidavit re no appeal, etc.

(20) An affidavit or declaration of the clerk of the municipality that notice was given as required by subsection (17) or that no notice of appeal was filed under subsection (18) within the time allowed for appeal shall be conclusive evidence of the facts stated therein.

Forwarding of record, etc., to O.M.B.

(21) The clerk of the municipality, upon receipt of a notice of appeal under subsection (18), shall compile a record which shall include,

(a) a copy of the by-law certified by him;

(b) an affidavit or declaration duly sworn certifying that the requirements for the giving of notice as mentioned in subsection (17) have been complied with; and

(c) the original or a true copy of all written submissions and material in support of the submissions received in respect of the by-law prior to the passing thereof,

and the clerk shall forward the notice of appeal and the record to the secretary of the Municipal Board and shall provide such other information or material as the Board may require in respect of the appeal.

Parties

(22) The parties to an appeal are the appellant, the municipality and any person or agency added as a party by the Municipal Board.

Adding of parties

(23) The Municipal Board may add as a party to the appeal any person including the Minister, or agency who applies to the Board to be added as a party.

Representations by person not party

(24) Despite the fact that a person is not a party to the appeal, the Municipal Board may permit the person to make representations at the hearing.

Hearing

(25) On an appeal to the Municipal Board, the Board shall hold a hearing of which notice shall be given to the parties to the appeal, and to such other persons as the Board considers appropriate.

Dismissal of appeal without hearing

(26) Despite subsection (25), the Municipal Board may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing but before so dismissing the appeal shall notify the appellant and afford him an opportunity to make representations as to the merits of the appeal.

Powers of O.M.B.

(27) The Municipal Board may,

(a) dismiss the appeal; or

(b) allow the appeal in whole or in part and repeal the by-law in whole or in part or amend the by-law in such manner as the Board may determine or direct the council of the municipality to repeal the by-law in whole or in part or to amend the by-law in accordance with the Board's order.

Where provincial interest adversely affected

(28) Where an appeal has been filed under subsection (18), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the by-law, may so advise the Municipal Board in writing not later than thirty days before the day fixed by the Board for the hearing of the appeal and the Minister shall identify the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected.

Procedure

(29) Where the Municipal Board has received notice from the Minister under subsection (28) and has made a decision on the by-law the Board shall not make an order under subsection (27) in respect of the part or parts of the by-law identified in the notice.

Power of L.G. in C.

(30) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board in respect of the part or parts of the by-law identified in the notice and in doing so may repeal the by-law in whole or in part or amend the by-law in such manner as the Lieutenant Governor in Council may determine.

When by-law deemed to have come into force

(31) Where one or more appeals have been filed under subsection (18), the by-law does not come into force until all of such appeals have been finally disposed of whereupon the by-law, except for such parts thereof as are repealed or amended in accordance with the direction of the Municipal Board or as are repealed or amended by the Municipal Board or by the Lieutenant Governor in Council as mentioned in subsections (27) and (30), shall be deemed to have come into force on the day it was passed. 1983, c. 1, s. 34.

APPENDIX B

Signs

146. For prohibiting or regulating signs and other advertising devices or any class or classes thereof and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway.

(a) A by-law passed under this paragraph may specify a time period during which signs or other advertising devices in a defined class may stand or be displayed in the municipality and may require the removal of such signs or other advertising devices which continue to stand or be displayed after such time period has expired.

(b) A by-law passed under this paragraph may require the production of the plans of all signs or other advertising devices to be erected, displayed, altered or repaired and provide for the charging of fees for the inspection and approval of such plans and for the fixing of the amount of such fees and for the issuing of a permit certifying to such approval and may prohibit the erection, display, alteration or repair of any sign or advertising device where a permit has not been obtained therefor and may authorize the refusal of a permit for any sign or other advertising device that if erected or displayed would be contrary to any by-law of the municipality.

(c) A change in the message displayed by a sign or other advertising device does not in itself constitute an alteration.

(d) A by-law passed under this paragraph may authorize the pulling down or removal at the expense of the owner of any sign or other advertising device that is erected or displayed in contravention of the by-law and may require any person who,

(i) has caused a sign or other advertising device to be erected, displayed, altered or repaired without first having obtained a permit to do so, or

(ii) having obtained a permit has caused a sign or other advertising device to be erected, displayed, altered or repaired contrary to the approved plans in respect of which the permit was issued,

to make such sign or other advertising device comply with the by-laws of the municipality if it does not so comply or to remove such sign or other advertising device within such period of time as the by-law specifies.

Notice

(e) Before passing a by-law under this paragraph notice of the proposed by-law and notice of the council meeting at which the proposed by-law is to be discussed shall be published once at least fourteen days prior to the council meeting indicated in the notice and in the case of a municipality where there is no newspaper having general circulation in the municipality, shall be posted in a conspicuous place in the municipality for at least fourteen days prior to the council meeting indicated in the notice.

(f) The council shall hear any person who before the council meeting indicated in the notice applies to be heard.

Minor variances

(g) The council may, upon the application of any person, authorize minor variances from the by-law passed under this paragraph if in the opinion of the council the general intent and purpose of the by-law are maintained. 1983, c. 5, s. 1 (1), *part, revised.*

Saving

(h) No by-law passed under this paragraph, as it read on the 31st day of July, 1983, that prohibits or regulates signs or other advertising devices, applies so as to require a sign or advertising device that is lawfully erected or displayed on the 1st day of August, 1983, but that does not comply with the by-law, to be made to comply with the by-law or to be removed by the owner or the owner of the land on which it is situate, if the sign or advertising device is not substantially altered; and the maintenance and repair of the sign or advertising device or a change in the message displayed shall be deemed not in itself to constitute an alteration. 1983, c. 5, s. 1 (2).

Idem

(i) No by-law passed under this paragraph that prohibits or regulates signs or other advertising devices, applies to a sign or advertising device that is lawfully erected or displayed on the day the by-law comes into force, if the sign or advertising device is not substantially altered, and the maintenance and repair of the sign or advertising device or a change in the message displayed shall be deemed not in itself to constitute on alteration. 1983, c. 5, s. 1 (3).

Mobile sign lessors

147. For licensing, regulating and governing persons who carry on the business of leasing mobile signs.

Definition

(a) For the purpose of this paragraph, "mobile sign" does not include a sign attached to a vehicle where the principal use of the vehicle is the transportation of people, goods or other materials. ("enseigne mobile")

(b) For the purpose of this paragraph, a person who, from a location outside the municipality, carries on the business of leasing mobile signs shall be deemed to be carrying on business in the municipality if the person locates or permits the location of mobile signs in the municipality. 1983, c. 41, s. 1 (3).

APPENDIX "C"

MOBILE SIGN STUDY

SUMMARY OF RESPONSES FROM OTHER MUNICIPALITIES

City of Etobicoke

Mobile signs are prohibited and all violaters are prosecuted.

City of Brampton

Mobile signs are permitted and the by-law was passed under the Municipal Act. It is enforced by the Commissioner of Public Works and Buildings.

Size - not more than 2 sign faces and no one sign face can exceed 10 m^2.

Location - 1 per lot except for shopping centres which can have one sign on each side of the lot
- placed and located so as not to interfere with pedestrian and vehicular traffic - not to be placed or located in a required parking space.

Problems - major enforcement problem is limitation of manpower, therefore enforcement is mainly on a complaint basis.

Mobile signs are only permitted for the announcing anything in connection with the opening of a new business or to announce a sale on the closing of an existing business, but only if the appropriate licence has been obtained. Such signs are permitted for a maximum of 14 consecutive days.

Town of Milton

Mobile signs are permitted and the by-law was passed under the Municipal Act. A new "Mobile Sign" by-law is under preparation.

Existing By-law

Definitions - "Temporary or portable sign" - a type of sign not permanently attached to a building or the ground including a vehicle or trailer mounted sign, capable of being reasonably or deliberately moved or relocated.

Size - not more than 10 m^2

Location - general - not to be placed so as to interfere or obstruct or be confused with a traffic sign, signal or device - not to be placed so as to obstruct or impede any door, window or fire escape
- regulated for each zone as follows: Residential Areas permitted to maximum of 1 m^2 -General Commercial Areas are prohibited - Shopping Centres Areas one sign for each abutting street frontage - Highway Commercial Areas one sign for each abutting street frontage (except public garages, service stations, and car dealers) - Service Stations garages, and car dealerships one sign for each abutting street not exceeding 8 m^2 -Industrial Areas one sign for each abutting street frontage - Open Space Areas not permitted - Institutional Areas one non-illuminated sign for each abutting street frontage.

Problems - erection of signs without a permit
- sign placed in the wrong location

Proposed By-law

Definition - "Mobile Sign" means a sign which is specifically designed or intended to be readily moved from one location to another, including a vehicle or trailer mounted sign, and which does not rely on a building or fixed foundation for its structural

support, and can include portable and relocatable signs, but does not include a sign attached to a vehicle where the current use of the vehicle is the transportation of people, goods and other materials.

Size - governed by zoning district

Location - general - same as existing
- zone restrictions - Residential max. 1 m^2, one per property, located no closer than 3 m to property or lot line and 12 m from intersection of any two roads - General Commercial must be on property sign pertains, road intersection limitations, max. 10 m^2 display area, not to be located within 3 m of an interior side property line, 1 m of front or exterior side property line, 12 m from an intersection or driveway on or abutting the subject lands, on sign on each street frontage per property - Shopping Centre Commercial same as General Commercial - Other Commercial same as General Commercial - Industrial same as General Commercial - Open Space signs are prohibited - Institutional Areas same as General Commercial except must be non-illuminated.

The new by-law also proposes to license mobile sign industry. One of the controlling features of this by-law is that if a sign company contravenes the provisions of either the Licencing or Mobile Sign By-law more than twice, their licence can be revoked and they would not be permitted to do business in the Town.

City of London

Mobile signs are permitted by by-law passed under the Municipal Act.

Definition - "mobile sign" means a sign which is specifically designates or is intended to be readily moved from one location to another and which does not rely on a building or fixed foundation for its structural support, and includes a portable and relocatable sign, a banner sign, an inflatable sign and an "A-board" sign but does not include a sign attached to a vehicle where the principle use of

the vehicle is the transportation of people, goods and other material.

Size - not greater than 6 m^2
- where more than one mobile sign is permitted, the area limitation of the sign face may be exceeded up to a maximum of 9 m^2 provided the number of signs permitted is reduced by one

Location - one sign per street frontage except for multiple occupancy buildings where a maximum of 3 signs are permitted based on one sign per 45 m of total street frontage - where street frontage is less than 10 m no sign permitted
- no sign to be located on municipal property or within 1.5 m of any other property line, or 3 m of the point of intersection of an access driveway and the limit of the road allowance, or 9 m of the point of intersection of the limits of two road allowances, or 10 m of a residential use within a residential use zone, except as below - where sign located less than 10 m from a residential use within a residential use zone, the areas of the sign face shall not exceed the maximum area permitted for subject residential use, plus 0.3 m^2 for every metre the sign face is distant from the residential use

Special Studies

- undertook phone survey in March, 1991, of the following cities: Brampton, Kitchener, Mississauga, North York, Ottawa, St. Catherines, Windsor - addressed the following: areas/permitted; number permitted; time limitations; location restrictions; size restrictions; flashing lights; permit fees .

Town of Oakville

Mobile sign by-law passed under the Municipal Act.

Definition - "mobile sign" means a portable sign as defined in this by-law
- "portable sign" means any sign which is not permanently attached to or affixed into the ground or to a building or structure.

Size and Location - governed by zone as follows:

- for commercial and industrial zones - maximum of 1 sign per street frontage, maximum of area of 6.7 m^2 and a minimum of 3 m distance from the property line except for "other commercial" or institutional in C3, C3R and O6 zones
- for commercial and institutional zones - maximum 1 sign per street frontage - maximum area of 6.7 m^2 and minimum distance from property line of 3.0 m

Problems - no problems with enforcement of location

Special Studies - none

City of Cambridge

Mobile signs are permitted and enacted under the Municipal Act.

Definition - "Mobile Read-a-Board Sign" means a sign or sign structure designed for temporary placement or erection on a site and constructed to support, carry or display an area of changeable copy but is not permanently attached to the ground or a building and/or any sign of sign structure designed for the temporary placing of copy, letters or messages.

Size - maximum sign area of 6.7 m^2 per face

Location - minimum 5 m to intersection of two street lines, or to the intersection of a driveway with any street line and minimum 3 m to any street line or any other property line of the site upon which the sign is to be installed, erected or displayed is located within area outlined on Schedule A
- permitted in Zones N, OS, C and CS

Problems - none identified

Special Studies - none recently

City of North York

Mobile signs are permitted and regulated under the Municipal Act.

Definition - "Portable Sign" - means any sign which is specifically designed or intended to be readily moved from one location to another, and which does not rely on a building or fixed foundation for its structural support, and includes sign commonly known as "A-board" or "mobile" sign, and an inflatable sign, but not include a ground sign.

Size - not exceed 4.7 m^2 (50.6 ft^2) in sign area and 2.5 m (8.0 ft.) in height.

Location
- not to be erected on a highway
- not to be erected within 5.0 m (16.4 ft) of another sign or driveway entrance
- not, in the case of corner lots, be erected within 15 m of the intersection of two or more streets

Problems - none identified

Special Studies
- none identified

Portable signs are only permitted for: advertising a government, education, religious or charitable event; the opening of a new business or facility; and, the re-opening of a business or facility operating on a seasonal basis.

City of Burlington

Mobile signs are permitted and regulated under the Municipal Act.

Definition - "Portable Signs" - any sign or advertising device which is not permanently constructed at one place in the ground, or permanently attached to a building or structure and includes the type of sign known as sandwich-board, and includes any airborne device tethered to a vehicle.

Size - not greater than 32 square feet with no one dimension greater than 5 feet

Location - not permitted anywhere except on a licensed service station, licensed public garage or licensed carwash - maximum 1/service station and on corner lots 1/street frontage

- no sign to be located within 5 feet of any lot line or within the forty foot daylight triangle

Problems - enforcement problems include controlling size on permitted locations, removal from those locations not permitted to have such signs and removal of such signs which are located on the road allowance

Special Studies

- a new sign by-law (including) was drafted and the subject of a public meeting in June , 1992. As a result of this meeting, the Planning and Development Committee directed staff to set up a working committee to review the proposed mobile sign regulations. This Committee expects to bring a recommendation forward in early 1993.

City of Ottawa

Mobile signs are permitted by by-law passed under the Municipal Act.

Definition - "Mobile Sign" means an on-premises sign that is,

(a) temporary in nature,

(b) not securely anchored to,

(i) the ground, or
(ii) a building or structure, and

(c) by its usual character of being part of, or attached to, a wheeled trailer that is readily relocatable so as to serve the same purpose in another location, and

does not include,

(a) a portable sign, or

(b) a sign attached to a vehicle where the principal use of the vehicle is the transportation of people, goods or other materials

- "Portable Sign"means an on-premises sign that is,

(a) not securely anchored to
(i) the ground, or
(ii) a building or structure, and

(b) by its usual character readily relocatable, and includes

(c) an A-frame sign,

(d) a banner sign, and

(e) an inflatable sign

Size - not to exceed 5.6 m^2

Location - commercial, institutional and industrial zones
- not to be located closer than .3 m from property line, not closer than 15 m from another sign, not closer than 10 m from a traffic signal head, and not located within a corner lot site line triangle

Problems - temporary nature and limited staff resources related to enforcement
- traffic/pedestrian obstruction
- visual/aesthetic clutter
- illegal flashers

Special Studies - a lengthy Signs By-law review was undertaken in 1989/1990. The issue of mobile signs was given additional review. As a result, staff

recommended that mobile signs be specifically prohibited from the by-law for the following reasons:

- difficulty to regulate given their temporary nature;
- many are erected without a permit and therefore cannot be scrutinized for safety and other concerns;
- obstruct driver visibility being located to close to the road, access driveways and daylight triangles;
- many have illegal tracer signs around the perimeter

- Council did not support staff recommendation and directed (April, 1991) that a more "proactive" approach be taken to enforcement - this was successful until enforcement staff was reduced due to budget cuts.

City of Mississauga

Mobile signs are not permitted.

Special Studies - January, 1991, the City repealed their by-laws regulating portable signs and licensing mobile signs as a result of comprehensive review of the City's Sign By-law

City of Scarborough

Mobile signs are not permitted.

City of Stoney Creek

Mobile signs are permitted by by-law passed under the Municipal Act.

Definition "Portable Sign" - Means any sign or advertising device which is not permanently constructed at one place in the ground, or permanently attached to a building or

structure and includes signs known as sandwich-board, or "temporary mobile signs, as well as airborne devices tethered to any building, structure, vehicle or other anchor.

"Temporary Mobile Sign" - means a portable sign or advertising device which has a sign area not greater than 4.0 m^2 per face with no one dimension greater than 2.5 m, which is displayed for a specific limited time period.

Size - not greater than 4.0 m^2

Location - "portable signs" - properties zoned and used for a motor vehicle service station only
for the display of fuel prices only depending on total lot frontage
- "temporary mobile signs" - for each new business or newly relocated business only
- no sign higher than 1 m above grade to be erected in daylight triangle and can not be erected closer than .5 m to any street line

Problems - none identified

Special Studies

- By-law enacted in October 1990 - a joint political/business committee was struck to develop by-law

City of Kitchener

Mobile signs are permitted and regulated by by-law passed under the Municipal Act.

Definition "Portable Sign" - means a sign mounted on a trailer or other free standing structure which is not anchored in the ground and is designed in such a manner so as to facilitate its movement from place to place, but shall not mean or include sidewalk signs as defined...

Size - maximum area 6.7 m^2 - maximum height of 3.7 m

Location - only permitted in Commercial Zones and Industrial and Business Park Zones but not permitted in Retail Core or Mixed Commercial/Residential Zones
- prohibited within .4 m of any lot line, within 10 m of any traffic light or within the corner visibility triangle - prohibited within 10 m of a ground sing or another portable sign on an abutting lot, within 10 m of a ground sign on the same lot and within 50 m of another portable sign on the same lot

Problems - new by-law passed in July, 1992 - problems with previous by-law included: traffic visibility hazards, conflicts with required landscaping, failure of providers and users to adhere to display periods, enforcement difficulties related to location (because they are "portable" they could be moved easily), hazards created with electrical power cords (which
may be poorly maintained) located across sidewalks or parking areas

Special Studies

- a major review of the City's sign by-law commenced in 1988 - as a result of this study, planning staff recommended that, given the problems noted above, that mobile signs be prohibited completely and that the regulations with respect to permanent ground signs be relaxed - as a result of public input, particularly lobbying by the sign companies and business community, a new sign by-law was passed by Council which tightened the previous provisions but still permitted mobile signs

CLF/

APPENDIX C

Survey of Mobile Sign Regulations

	Brampton	Milton	London	Oakville	Cambridge	North York
Locations Permitted (Zones, Land Uses)	Not restricted	Residential, industrial & commercial zones.	All zones with some limitations	Commercial & industrial zones	Institutional & commercial zones	All zones
Number Permitted	1/ lot except shopping centres have 1 on each side of lot	1/street frontage	1/street frontage max. 3 for mult. occupants - min. 10m frontage	1/frontage	1/site	None specified
On Site Location Restrictions	Not to interfere with vehicular/ pedestrian traffic. Prohibited in required parking	Not obstruct traffic signal or door window, fire escape	1.5 m of lot line 3m access drive 10m residential unless sign face reduced	Minimum 3m from property line of residential zone Not permitted in required parking	Min. 3m to street or lot line	5m from driveway or other sign or 15m from corner of two streets
Time Limits	Twice/yr Max. 14 days each	Max. 30 days with 30 days between	30 days max. 210 days/year	Max. 14 days 90 days between	Max. 30 days Max. 180/year	Max. 30 days 90 days between
Size Restrictions	Maximum 10m2	Maximum 10m2 Residential 1m2	Maximum 6m2	Maximum 6.7m2	Max. 6.7m2	Max. 4.7m2
Flashing Lights	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Permit Fees	$25 for 14 days	$25 illuminated $10 non-illuminated for the 1st 8 m2 &$20/m2	$50	$100 + $100 deposit refunded after sign removed	$30	$70
Special Purpose Limitations	Opening new business, sale or closing business	Off site signs not permitted			Change i n use occupancy or owner, special closing sale,etc.	Public event Opening/reopening of seasonal business

Notes: 1) Mobile signs are prohibited in Etobicoke and Scarborough
2) Where Mobile signs are permitted, they are regulated by the Muncipal Act

	Burlington (under review)	Ottawa	Kitchener	Stoney Creek	Mississauga
Locations Permitted (Zones, Land Uses)	Service stations commercial & industrial uses only	Commercial, industrial & institutional zones	Commercial, industrial & busines parks zones but not downtown	New or relocating businesses only	Licensed - retail, shopping centres, auto related.
Number Permitted	1/property or frontage for shopping centre	1/occupancy/ street frontage	Not specified	1/business	1/lot for licensed operators
On Site Location Restrictions	Not to interfere pedestrian/traffic min. 1.5m to street line	Min. .3m to lot line Min. 15m to sign Min. 10m to traffic light	Min. .4 to lot line Min. 10m to traffic light, other sign or 50m to mobile on same lot	Min .5m to street line	As per permit 1/lawful parking space
Time Limits	None specified	Max. 30 days/yr per occupancy	30 days max. 120/year/business	Max. 30 days/ property	Unlicensed 30 days Licensed 14 days
Size Restrictions	Max. 2.9m2	Max.5.6m2	Max. 6.7m2	Max. 4m2	Max. 15 m2
Flashing Lights	Prohibited	Prohibited	Restrictions	Permitted mim 3 second intervals	Prohibited
Permit Fees	$5/sign + 15 cents per sq. ft. of sign face	Illuminated greater of $25/ sign or 33cents Non-illuminated $25 or 11cents	$30/30 days/ sign	$8/$1000 construction value Minimum $50	$50
Special Purpose Limitations		per sq. ft.	New or relocating businesses only	New/relocating business only	Unlicensed special events,new business,seasonal businesses only.

CITY OF HAMILTON

7(a)iii

- RECOMMENDATION -

DATE: 1993 April 19
CI-93-A

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: City Initiative 93-A respecting the review of townhouses in multiple dwelling districts.

RECOMMENDATION:

That the Planning and Development Committee give authorization to hold a Public Meeting to consider proposed changes to Zoning By-law No. 6593 respecting the location of townhouse development.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At the February 3, 1993 meeting of the Planning and Development Committee, Aldermen expressed concern about the number of recent development proposals for townhouses on lands that are designated and/or zoned for multiple dwellings (e.g. Low Density Apartments and Medium Density Apartments).

The Committee was advised that townhouse development was permissable due to the pyramidal structure of the Zoning By-law, in that each successive zoning district permits the uses of the preceding district. For example, the "E-2" District which is for Medium Density Apartments permits, among other uses, single-family dwellings, two-family dwellings, three-family dwellings, townhouses, maisonettes, street townhouses, and multiple dwellings (apartments). The purpose of the pyramidal structure of the By-law is to provide flexibility in zoning.

Consequently, a block of land that is designated for "Low Density Apartments" or "Medium Density Apartments" in an approved Neighbourhood Plan, and appropriately zoned (e.g. "DE", "DE-2", "DE-3", "E-2", "E", "E-1"), could be developed for townhouses. The Aldermen were concerned about this recent trend, particularly where such lands adjoin other properties which are designated and/or zoned for "Attached Housing" (e.g. townhouses). This results in long stretches of townhouse projects, sometimes on both sides of the street, which is visually unappealing.

SITE INVENTORY:

An inventory of vacant designated and/or zoned lands for "Attached Housing", "Low Density Apartments", and "Medium Density Apartments" was undertaken for the South Mountain Area below Mohawk Road, the primary area of the City subject to new development (see APPENDIX "A"). It should be noted that the data from this inventory only includes those neighbourhoods which have approved plans.

With respect to "Attached Housing", there are **21** vacant sites designated/zoned for townhouse development (i.e. "D", "RT-10", "RT-20" and "RT-30"), and **18** sites designated but not yet zoned (e.g. "AA", "L-mr-1"). These sites have a total area of approximately **123.41 ac.** and would yield about **1,598 units**.

For "Low and Medium Density Apartments" there are **11** vacant sites designated/zoned for apartment development (e.g. "DE-2", "DE-3", "E-2"), and **6** sites designated but not yet zoned (e.g. "AA", "L-mr-1"). These sites have a total area of approximately **53.68 ac.** and would yield about **1,662 units**. Notwithstanding the designation for apartments, **2** of these sites are pending Site Plan Applications for townhouse development and 1 has been recently approved for same, as follows:

- DA-92-65
  1620 Upper Wentworth Street

  The subject lands are designated for "Medium Density Apartments" in the approved Barnstown Neighbourhood Plan and zoned "E-2" (Multiple Dwellings) District. The proposed development under Site Plan Control Application DA-92-65 is for a **48 unit townhouse co-operative**.

  As illustrated on APPENDIX "B", the subject lands are adjoined by a townhouse project to the west ("RT-20") and street townhouses to the north on Essling Avenue ("RT-30").

  In addition, it is located opposite other townhouse projects along the east side of Upper Wentworth Street ("DE-3", "RT-20") in the Butler Neighbourhood.

  Two other sites in this neighbourhood were designated for "Low Density Apartments" but developed with townhouse projects. At the southwest corner of Upper Wentworth Street and Stone Church Road East, and at the southeast corner of Upper Wellington Street and Dragoon Drive (see APPENDIX "B").

  As a result, no planned apartment development has taken place in the Barnstown Neighbourhood.

- DA-92-54
  384-390 Limeridge Road East

  As shown on APPENDIX "C", the subject lands are designated for "Low Density Apartments" in the approved Bruleville Neighbourhood Plan and zoned "DE-3" (Multiple Dwellings) District. This site was rezoned in 1987 (By-law No. 87-8) to permit the construction of a lodging house for the accommodation of 58 elderly persons.

  The current Site Plan Application is for the construction of **21 townhouse units**.

- DA-92-35
  55 Towercrest Drive

  As shown on APPENDIX "D", the subject lands are designated for "Medium Density Apartments" in the approved Jerome Neighbourhood Plan and zoned "E-2" (Multiple Dwellings) District. This site was rezoned in 1991 (By-law No. 91-72) on the basis of future proposed apartment development. The Site Plan Application is for an **83 unit townhouse project** and was approved by the Planning and Development Committee on February 17, 1993.

  The adjoining block of land to the west was rezoned at the same time for future townhouse development (i.e. "RT-20"). Site Plan Application DA-92-31 was approved on December 18, 1992, for the construction of a **64 unit non-profit townhouse project**.

OFFICIAL PLAN POLICY &
NEIGHBOURHOOD PLANNING IMPLICATIONS:

Notwithstanding the pyramidal structure of the Zoning By-law, the utilization of designated/zoned "Low Density and Medium Density Apartment" sites for townhouse development undermines the intent of the Official Plan and approved Neighbourhood Plans.

As set out under Policy A.2.1.8, it is the intent of the Official Plan "..that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable."

Furthermore, Policy D.2.2 states that "The detailed planning for the distribution and location of various land uses in each PLANNING UNIT will be determined or reviewed through the preparation of NEIGHBOURHOOD PLANS."

From a Neighbourhood Planning perspective, the development of designated and/or zoned apartment sites for townhouses has the following negative effects:

- **Change of Planned Neighbourhood Density**

  - not maximizing infrastructure put in place to support planned development;

  - development pressures are created to utilize remaining densities on other sites in the neighbourhood which are not planned for such uses; and

- doesn't support the concept of **Sustainable Development**, in that apartment sites are strategically located to encourage and support the location of other neighbourhood support services, including public transit.

• **Change of Planned Neighbourhood Mix**

- sites are planned for a gradation of housing types (e.g. single-family dwellings, townhouses, apartments) to meet the various household needs. Changes in planned housing types erodes this premise; and

- in keeping with the policies of the Official Plan, an attempt is made, through the preparation of Neighbourhood Plans, to provide for a variety of housing types and tenure in each neighbourhood. In this regard, apartment units are required to meet the housing needs of the growing number of households in the City, including senior citizens.

• **Change in Neighbourhood Design**

- apartment sites are provided to vary the form and appearance of the **streetscape** in order to create a vibrant and changing area. Rows of block townhouses are visually unappealing and create a **canyon effect**, thereby creating a negative image of the neighbourhood.

OPTIONS:

Potential options include:

1. **eliminate townhouses, maisonettes, and street townhouses** as permitted uses from the "Apartment" zoning districts (e.g. "DE", "DE-2", "DE-3", "E", "E-1", "E-2", "E-3"). Although this may be regarded as a form of downzoning, it provides the most direct means of protecting designated apartment sites for their future intended use. Applications for proposed townhouse development, or other lower density type residential uses, could be evaluated on their own merits on a site by site basis.

2. **site specific by-laws** could preclude attached housing forms of development at the time application(s) are made for rezoning designated "Low and Medium Density Apartment" sites. This option would have the effect of **"grandfathering"** those sites already zoned (e.g. "DE-2", "DE-3", "E-2"). The principal disadvantage of this option is that the majority of the apartment designated sites are already zoned (i.e 11 of 17). Accordingly, the trend for townhouse development could continue unabated.

3. **maintain status quo**. This option accepts that the pyramidal structure of the by-law provides flexibility to developers in meeting changing market demands. The major disadvantage of this option is that sites for "Low and Medium Density Apartments" are selected on Neighbourhood design criteria, and once developed for lower order residential development are generally not replaced, consequently, the planned mix of residential types and densities is not achieved.

Furthermore, these sites generally adjoin other properties which are designated and/or zoned for "Attached Housing" (i.e. townhouses). Consequently, development of the apartment sites for townhouse projects results in an over-concentration of this form of housing in certain areas (e.g. Limeridge Road, Upper Ottawa, Upper Wentworth, Rymal Road).

OTHER MATTERS:

At its meeting of March 3, 1993, the Planning and Development Committee approved a number of Neighbourhood Plan Amendments as part of a "Housekeeping Review", including changing the **"Single & Double & Attached Housing"** designation to two separate designations (**i.e. "Single & Double" and "Attached Housing"**). Subsequently, this initiative was approved by City Council at its meeting of March 9, 1993.

In this regard, the "D" District under Zoning By-law 6593, which is essentially a one and two-family dwelling zone, also permits townhouses subject to the "RT-10" District provisions. In keeping with this recent amendment, it would be appropriate to delete townhouses as a permitted use from the "D" District.

It should be noted this change will also affect the "G" (Neighbourhood Shopping Centre, etc.) District, in that it permits uses in the "D" District (e.g. townhouses).

It should be noted, that a Site Plan Application (DA-93-08) has been received for a proposed 47 unit condominium townhouse project on lands located at 2774 King Street East (see APPENDIX "E"). The subject lands are designated **"Commercial"** (i.e. Non-Highway Commercial) in the approved Gershome Neighbourhood Plan, and zoned "G" (Neighbourhood Shopping Centre, etc.) District, modified.

COMMENT:

From the above discussion, it would be appropriate to amend Zoning By-law 6593 to implement Option 1. This would result in the following changes:

1. Section 10 - "D" District

   That the heading be amended by deleting the word "Townhouses" so that it shall read as "(Urban Protected Residential - One and Two-Family Dwellings, etc.)".

   That Section 10.(1)(iii) be deleted.

2. Section 10A - "DE" District

   That Section 10A(1)(v) be deleted.

3. Section 10B - "DE-2" District

   That Section 10B(1)(v) be deleted.

4. Section 10C - "DE-3" District

That Section 10C(1)(v) be deleted.

5. Section 11 - "E" District

That Section 11.(1)(iia) be deleted.

6. Section 11B - "E-2" District

That Section 11B(1)(v) be deleted.

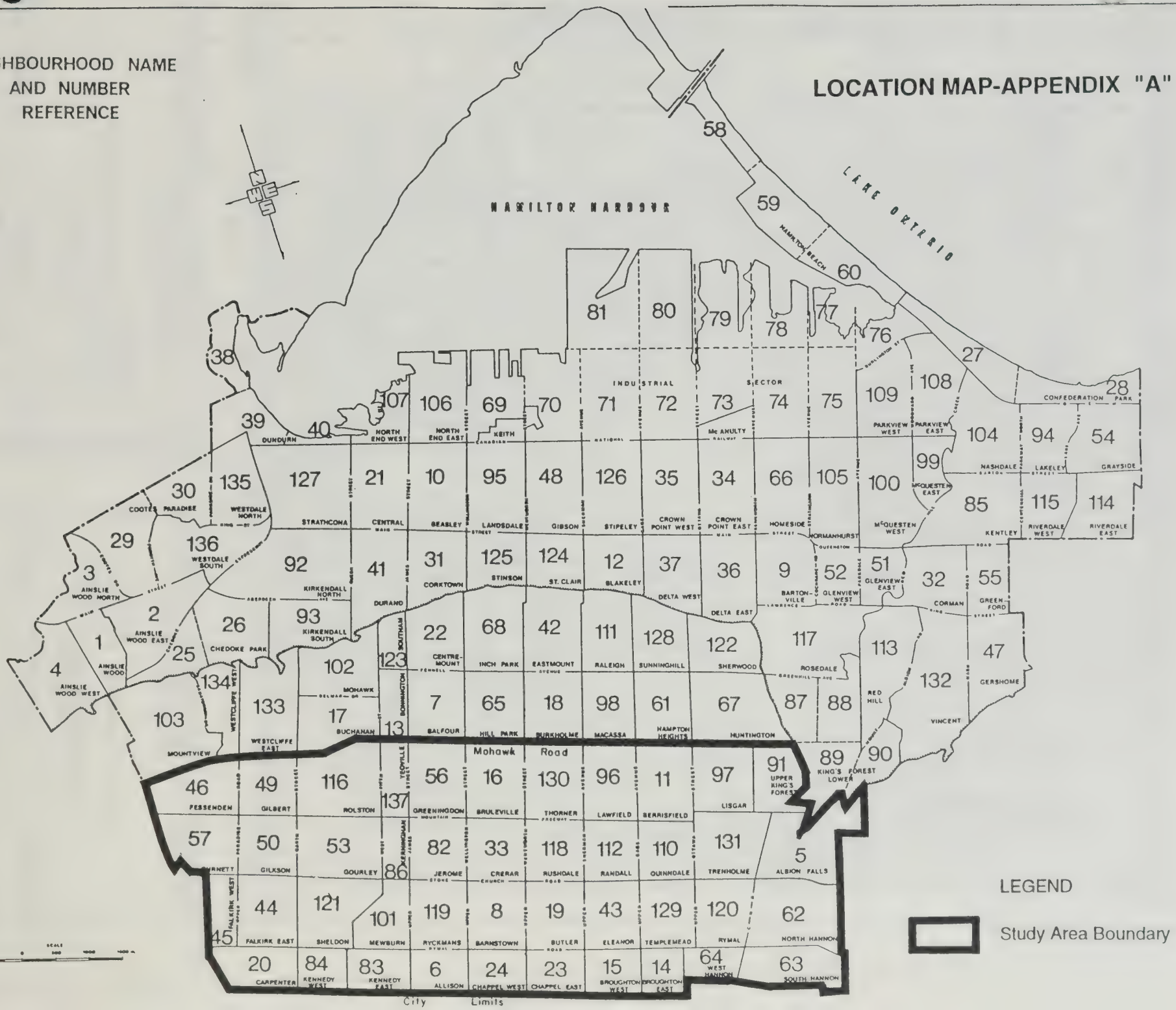
Upon the finalization of an implementing By-law, all existing townhouse developments in the above mentioned districts would become legal non-conforming, unless recognized as "Prior Existing Uses". With respect to by-law enforcement and administration, the Building Department has advised that only those sites for which a Building Permit Application was made prior to the passing of the implementing By-law, would be able to continue with a townhouse development under the original by-law regulations.

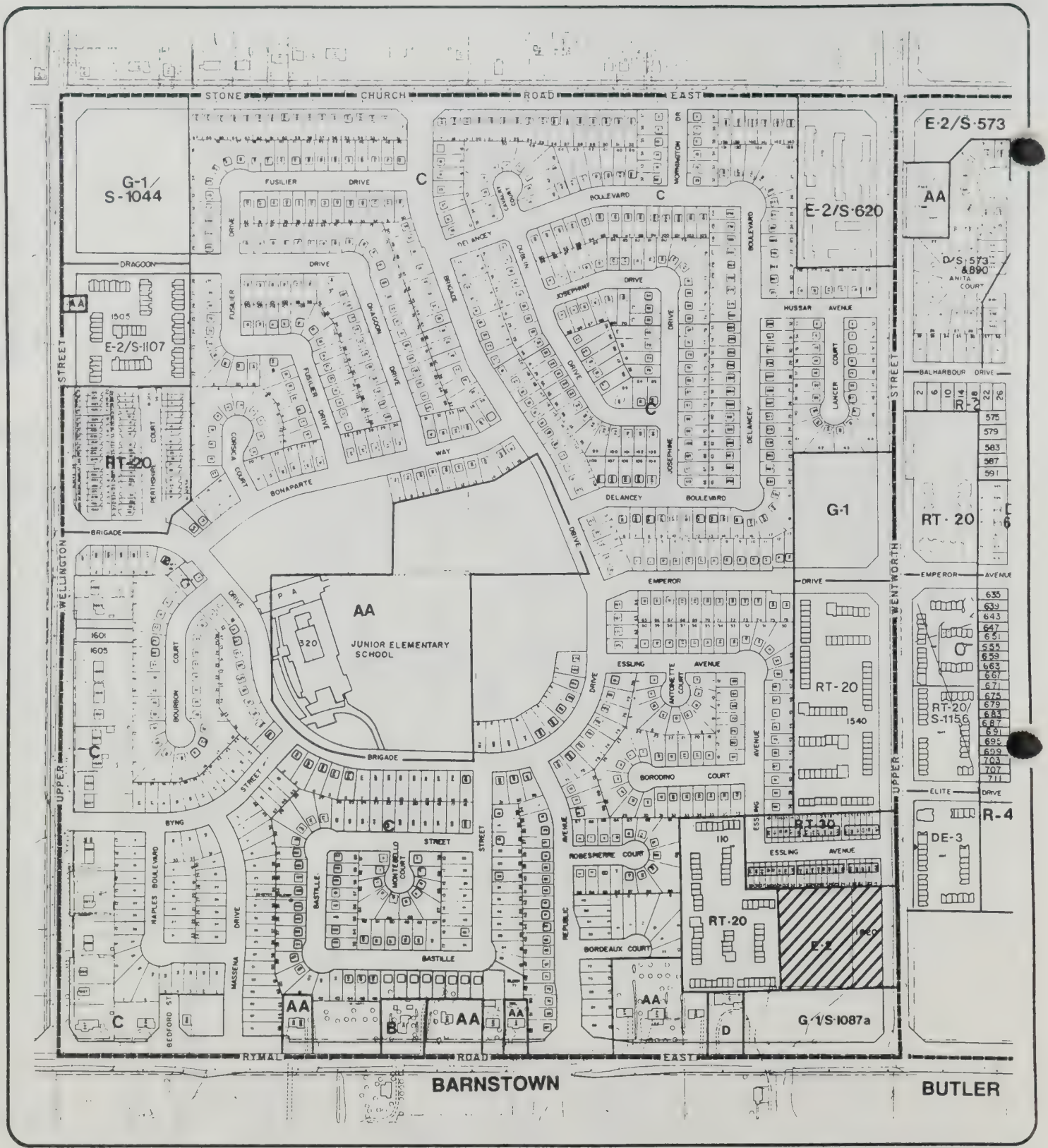
CONCLUSION:

Based on the foregoing, a Public Meeting should be held to obtain input on the proposed changes.

NEIGHBOURHOOD NAME AND NUMBER REFERENCE

LOCATION MAP-APPENDIX "A"





City of Hamilton

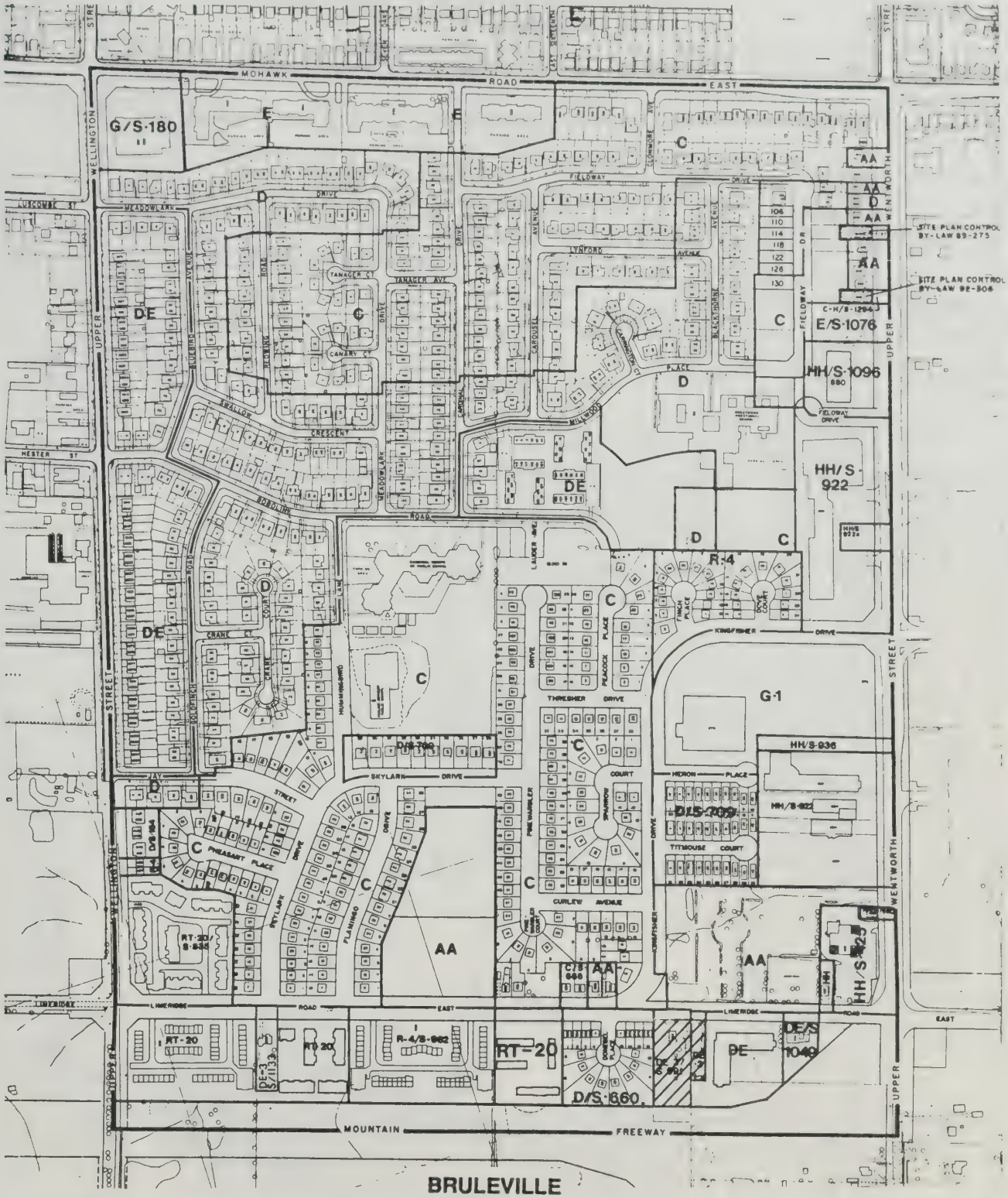
APPENDIX "B"

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Location of DA-92-65

North	Scale	Reference File No.
	Not To Scale	
	Date	Drawn By
	March , 1993	E.C.



City of Hamilton

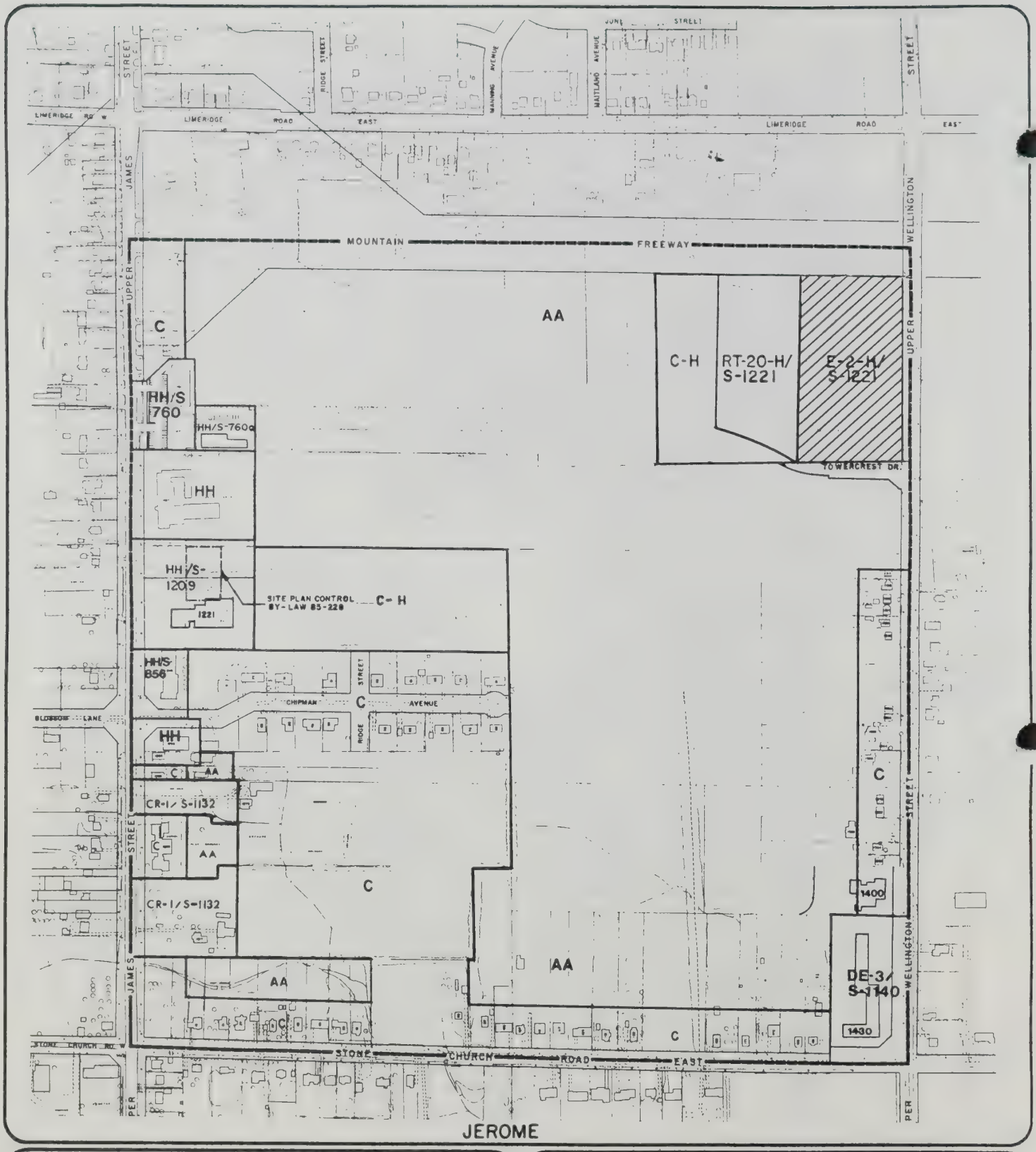
APPENDIX "C"

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Location of DA-92-54

North	Scale	Reference File No.
	Not To Scale	
	Date	Drawn By
	March, 1993	E.C.



City of Hamilton

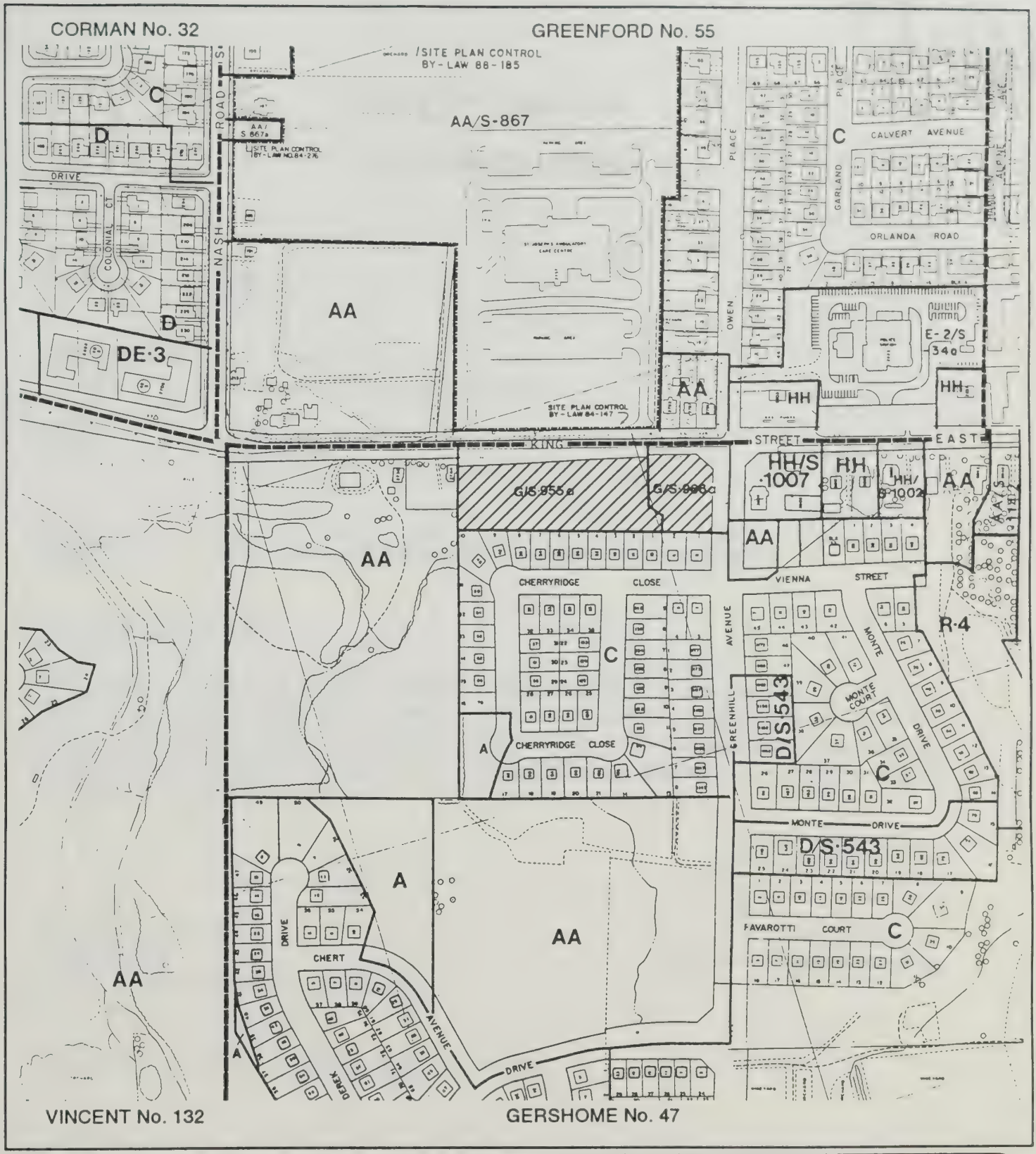
APPENDIX "D"

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Location of DA-92-35

North	Scale	Reference File No.
	Not To Scale	
	Date	Drawn By
	March , 1993	E.C.



City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control
Application DA-93-08

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	NOT TO SCALE	DA-93-08
	Date	Drawn By
	MARCH 1993	Z.K.

APPENDIX C

7(b)i

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 April 27
4143

RECEIVED

CITY CLERKS

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Review of the Enforcement as related to Site Plan Control.

RECOMMENDATION:

That in regard to projects approved under Site Plan Control, that securities be included as a condition of approval of the applications and that staff of the Planning and Development and Roads Departments be directed to establish a procedure for collection and appropriate releasing of funds from such securities and that the "Undertaking" on the plans be appropriately modified to recognise the required securities.

J.D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At its meeting of January 23, 1991, the Planning and Development Committee directed the present site plan enforcement procedures be reviewed with a view of possible alternate proposals for Site Plan Enforcement procedures. Staff from the various departments have had a number of meetings to review and discuss the problems and options available.

In examining the existing legislation, Clause 4(7)(c) and(8)(b) of the Planning Act 1983, permits the municipality to require the owner to enter into one or more agreements with the municipality dealing with and ensuring the provision of the facilities, works and matters dealt with under Section 40(7)(a) of the Planning Act 1983.

By-Law No. 87-150 (Appendix A) delegates the Building Commissioner to ascertain compliance and to require the owner to bring the facilities and works into compliance with the approved plans.

At present, the approved final plans of a Site Plan Control Application includes an "Undertaking" (Appendix B) which is signed by the owner of the property. This is the only commitment by which the owner states that they will comply with the approved plans. Through a report and information from the Building Department (Appendix C), it appears that there are difficulties in enforcement to ensure that the details of the approved plans are completed. Staff from the various departments dealing with Site Plan Control enforcement and procedures have been meeting to review alternatives and possible options.

Registration of an agreement and plans for all approved applications had previously been used in the City of Hamilton from 1974 to 1979. Evaluation of the registration procedure concluded that the additional legal costs and delays in document preparation and registration timing created unnecessary expenditures and delays in the approval process. The presently used "undertaking" was considered satisfactory at the time in dealing with a shorter time procedure, directly related to the plans considered and enforceable to the owner proposing the development. Registration of all approved applications may still remain undesirable due to the additional administrative costs by the proponent and the municipality associated with the document and plan preparations and registration, compliance reports, discharging documents, etc. and the lengthy time delays caused by this procedure. As presently occurring, registration should still be considered for large scale or special circumstance projects to ensure compliance with the approved plans.

Although registration of an agreement may bind subsequent owners, enforcement may still be difficult in requiring the owner to proceed with compliance or with the municipality entering the land to proceed with the required work. An alternative which is in use in a number of municipalities is the provision of securities such as a Letter of Credit, bond, cash, Treasury Bills, etc., as is used in the case of Subdivision Agreements in the City of Hamilton. This may be used in conjunction with registered or non-registered agreements.

The value of the securities would depend on the works to be included. Past difficulties have included such work as grading, retaining walls, plantings, fencing, curbs, driveway and parking areas.

As is the case in Subdivision Agreements, staff would establish procedures for cost estimates, criteria, release of funds, collecting of funds, renewals, etc. The Roads Department has indicated that their present procedures could include the securities related to Site Plan Control matters.

CONCLUSION:

To ensure compliance of approved plans, in conjunction with the required "Undertaking" signed by the owner of the property, acceptable securities should be submitted as a condition of approval of the application and staff should establish a procedure for collection and appropriate releasing of funds from such securities. The "Undertaking" on the plans should also be appropriately modified to recognise the required securities, retention by the City and the use of the securities.

Registration of documents may also be used in special circumstances where site conditions, project timing or ownership change in the development is anticipated.

JPS/ma

APPENDIX "A"

The Corporation of the City of Hamilton

BY-LAW NO. 87- 150

To Delegate:

Council's Power or Authority

To the Planning and Development Committee

And To Implement:

SITE PLAN CONTROL

WHEREAS clause 40(13)(b) of The Planning Act, 1983 provides for the delegation of council's power or authority to the Planning and Development Committee in respect of approval of plans and drawings under subsection 40(4), and conditions of approval of plans under subsections 40(4) and 40(7) of the said Act;

AND WHEREAS subsections 40(10) and 40(11) of the said Act and section 330 of The Municipal Act, R.S.O. 1980, Chapter 302 provide for enforcement as therein set out;

AND WHEREAS it is desirable to delegate council's power or authority and to provide for enforcement as aforesaid.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. In this by-law,

(a) "city" means the City of Hamilton;

(b) "committee" means the Planning and Development Committee of the council;

(c) "council' means the council of the city;

(d) "owner" includes any person whose land is designated as a site plan control area, or whose land is in a site plan control area;

(e) "said Act" means The Planning Act, 1983.

2. The following powers or authority are hereby delegated to the committee:

1. To approve for each development in a site plan control area, one or both of the following, as the committee may determine,

(a) Plans, in accordance with paragraph 1 of subsection 40(4) of the said Act;

(b) Drawings, in accordance with paragraph 2 of subsection 40 (4) of the said Act.

2. As a condition of the approval of plans and drawings referred to in paragraph 1 of this section, to require the owner of each development in a site plan control area,

(a) to provide to the satisfaction of the committee and at no expense to the city any or all of the facilities and works mentioned in clause 40(7)(a) of the said Act;

(b) to maintain to the satisfaction of the committee at the sole risk and expense of the owner any or all of the facilties or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8, and 9 of clause 40(7)(a) of the said Act including removal of snow from access ramps and driveways, parking and loading areas and walkways;

(c) to enter into one or more agreements with the city in accordance with clause 40(7)(c) of the said Act.

3. To require owners to register the agreements referred to in clause (c) of paragraph 2 of this section, against the land.

3. Where no facilities or works have been provided in whole or in part or where a building permit has not been issued within two years from the date of the approval of the plans or drawings under paragraph 1 of section 2, the approval by the committee shall cease and terminate and shall be of no force and effect.

4. The Building Commissioner is hereby authorized after issue of a building permit under By-law No. 85-86, to ascertain compliance of any facilities and works, with,

(a) the plans and drawings approved by the committee;

(b) the facilities and works required by the committee.

and to require the owner to bring the facilities and works into compliance within the period of time specified in the requirements.

5. (1) Every owner respecting whose land the committee has required the provision of any or all of the facilities or works mentioned in clause 40(7)(a) of the said Act, shall provide the facilities and works required to be provided.

(2) Where any building is occupied, the facilities and works referred to in subsection 1 shall be fully completed to the satisfaction of the Building Commissioner, within one year from the date of the first occupancy.

(3) Every owner respecting whose land the committee has required the maintenance of any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8, and 9 of clause 40(7)(a) of the said Act, shall maintain the facilities or works required to be maintained, including the removal of snow from access ramps and driveways, parking and loading areas and walkways.

6. Every owner to whom a requirement has been made under section 4 shall bring the facilities and works into compliance within the period of time specified in the requirement.

7. Every owner who contravenes subsection 5(1) or subsection 5(2) is guilty of an offence and on conviction is liable to a fine of not more than $2,000.00.

8. Every owner who contravenes section 6 is guilty of an offence and on conviction is liable to a fine of not more than $2,000.00.

9. (1) Where the owner of land is in default of,

(a) providing each of the facilities or works referred to in subsection 5(1) as required by the committee; or

(b) maintaining each of the facilities or works referred to in subsection 5(3) as required by the committee, including removal of snow from access ramps and driveways, parking and loading areas and walkways; or

(c) complying with each of the requirements made by the committee under an agreement entered into under clause 40(7)(c) of the said Act,

the matter or thing required to be done may be done by the city at the expense of the owner.

(2) The expenses incurred in doing each matter or thing may be recovered by the city by action or may be recovered in like manner as municipal taxes.

10. By-law No. 83-65, passed on the 22nd day of February, 1983, is repealed.

PASSED this 12th day of May A.D. 1987.

E. A. Lumpkin
City Clerk

Robert Morrow
Mayor

(1987) 8 R.P.D.C. 16, April 28

APPENDIX "B"

Undertaking

The following undertaking must be placed on all submitted plans to be executed by the owner upon final approvals. The following undertaking must be printed as part of the original drawings at the upper right hand corner of the plan.

I, (We) _____, the owner(s) of the land,
(print full name of owner(s))

hereby undertake and agree without reservation:

(a) to comply with all the content of this plan and drawing and not to vary therefrom;

(b) to perform the facilities, works or matters mentioned in Section 40(7)(a) of The Planning Act shown on this plan and drawing; and

(c) to maintain to the satisfaction of the City of Hamilton and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 40(7)(a) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways.

Dated this _____ day of _____ 199

_____ _____(seal)
Witness (signature) Owner (signature)

_____ _____
Witness (print) Owner (print)

_____
Address of Witness

APPENDIX "C

BUILDING DEPARTMENT

MEMORANDUM

****

TO: Mr. Peter Lampman
Deputy Building Commissioner
Building Department

YOUR FILE:

FROM: Mr. Brian D. Allick
Manager of Inspections
Building Department

OUR FILE:
PHONE: (416)546-4652

SUBJECT: DEVELOPMENT AGREEMENT ENFORCEMENT

DATE: 1991 March 7

Further to your request for information which is required for your report to the Planning and Development Committee regarding the above, please be advised as follows:

I have enclosed a copy of a report containing information requested by me of Mr. John Spolnik.

I hope that you will find this helpful. If you require any further information please advise.

Brian D. Allick
Manager of Inspections

BDA/sb

BUILDING DEPARTMENT

MEMORANDUM

TO: Brian D. Allick, Manager of Inspections

FROM: J.A. Spolnik,Supervisor-East Inspections

DATE: February 27,1991

RE: Development Agreements Enforcement

Further to your request, I have contacted surrounding municipalities and inquired as to their present requirements for Development Agreements and enforcement methods of same (findings attached).

I found that in all cases, agreements are being registered on title and letters of credit are required. All municipalities contacted indicated the necessity for enforcement regarding unfinished requirements is a rarity and that contractors/developers appear to have few problems with the procedure.

It would appear that if such requirements existed regarding our Development Agreements, common problems experienced due to; change of ownership, incompletion of facilities and works, and lack of funds available for the City to complete the work, might be alleviated.

A sampling of 38 Development Agreements relating to the Mountain Industrial Park was taken (findings attached) and it was found that of those required to be completed, only 12.5% are deemed to have completed the facilities and works, leaving 87.5% outstanding. A very poor showing when considering what we are hearing from our neighbours.

As the foregoing information obviously reflects major weaknesses in our Site Plan control enforcement ability, and perhaps Site Plan Control as a whole, I would suggest that this information be considered in preparing the report and recommendations to be submitted to the Planning & Development Committee.

Yours truly,

John Spolnik
Supervisor-East Inspections.

JS/lc

DEVELOPMENT AGREEMENT ENFORCEMENT METHODS

ANCASTER:

-Securities are held
-The Agreement is registered(maps included)
-Letter of Credit is required-No permit is issued until the letter of credit is received

COMMENTS: Staff in the Ancaster Building Department advise that it works!

BURLINGTON:

-Handled by the Legal Department
-Securities and/or Letter of Credit
-Registered on Title-(Description only-no plans)
-No permit issued until D.A. Requirements are complete.
-Inspected by Public Works.

COMMENTS: Seems to be working, per Marrianne Aldridge,Asst. Solicitor.

STONEY CREEK:

-A letter of Credit is required based on above ground services.
-The Agreement is registered on title-no plans are included(referred to)
-A requirement of the Agreement is the Letter of Credit.

COMMENTS: B. Farkas-working very well.

GRIMSBY:

-Registered on Title-Plans are reduced and included. However, reference is made to full scale drawings on file.
-A Letter of Credit is required as part of the Agreement.

COMMENTS: John Schonewille-This process has been successful in achieving compliance.

FLAMBOROUGH:

-Registered on Title(cost charged to applicant)
-A letter of credit is required as part of the agreement-allow reductions.
-The Building Permit is not issued until the agreement has been approved and registered.

COMMENTS: Peter Vanderbeek advises that he does not know of a case where the requirements of the D.A.'s have not been completed.

DUNDAS:

-Registered on title-generally
-Letter of Credit is required(based on 100% of the cost of above grade services-no underground)

COMMENTS: This process has been successful to date.

ADDRESS	D.A.#	DATE REQ'D TO BE COMP.	STATUS	ENFORCEMENT STAGE
1575 U.Ottawa	90-62	Dec.6/90	Incomplete	22(e) Numbered Co.-Search req'd.
175 Nebo	89-62	Jan.3/91	Incomplete	22(e) New Owner
255 Lancing	88-93	Jan.22/91	Incomplete	22(e)
80 Hempstead	88-108	July 21/90	Incomplete	Estimate of Cost to Complete (New Owner)
140 Lancing	88-08	July 1/90	Incomplete	Estimate of Cost to Complete
1555 U.Ottawa	87-47	June/89 (Ext.to Aug.31/90)	Incomplete	Estimate of Cost to Complete
125 Lancing	89-16	Sept.5/90	Incomplete	Estimate of Cost to Complete (New owner)
55 Unsworth	87-53	Nov.1/88	Complete	N/A
75 Unsworth	89-34 (91-13)	Nov.20/90	Incomplete	22(e) (Feb.28/91)
95 Unsworth	87-78	Aug.11/89	Unknown	No follow-up
50-70 Unsworth	87-24	Apr.26/89	Incomplete	22(e)There is a history,two phases,extension
45 Hempstead	89-71	Oct.31/91	--------	N/A
61 Hempstead	87-119	Not Documented		No follow-up
75 Hempstead	89-94	Not Developed		
90 Hempstead	88-77	Not est.	Under const.	N/A
85 Hempstead	90-80	Not Estab.	Under Const.	N/A
95 Hempstead	88-68	Not Estab.	Under Const.	N/A
105 Hempstead	88-101	May 10/91	----------	N/A
115 Hempstead	86-65	Not documented		No follow-up
130 Hempstead	89-18	Not documented		No follow-up
110 Hempstead	85-64	Not documented		No follow-up

ADDRESS	D.A.#	DATE REQ'D TO BE COMP.	STATUS	ENFORCEMENT STAGE
60 Lancing	88-92	Not Est.	Unoccupied	N/A
70 Lancing	89-85	Jun.21/91	---------	N/A
80 Lancing	87-57	Jan.19/89	Complete	N/A
90 Lancing	89-113	Mar.22/91	---------	N/A
100 Lancing	89-22	Not. Est.	Unoccupied	N/A
110 Lancing	90-20	Not Developed		
120 Lancing	88-21	Dec.1/89	Incomplete	22(e)
130 Lancing	90-60	Not Est.	Under Const.	N/A
140 Lancing	88-08	Jul.1/90	Incomplete	Estimate of Costs to Complete
45 Lancing	88-07	Not Documented		No follow-up
55 Lancing	90-92	Feb.9/91	Incomplete	22(e)-Search req'd.
65 Lancing	89-35	Not Estab.	Unoccupied	
75-85 Lancing	88-32	Oct.2/91	---------	N/A
135 Lancing	88-24	Not Documented		No follow-up
145 Lancing	88-15	Feb.5/91	Incomplete	22(e)
84 Bigwin	90-65	Nov.29/91	Complete	
1290 Stonechurch	88-90	Feb. 9/91	Incomplete	22(e)

DEVELOPMENT AGREEMENT SAMPLING

DEVELOPMENT AGREEMENTS REVIEWED	38
NO. NOT DEVELOPED	2

DEVELOPMENT AGREEMENTS (ACTUAL)	36	100%
COMPLETE	3	8.3%
NOT YET REQUIRED TO BE COMPLETE (Unoccupied or under Construction)	12	33.3%
INCOMPLETE	14	38.9%
NOT DOCUMENTED(NO FOLLOW-UP)	7	19.4%

NO. REQUIRED TO BE COMPLETE	16

(THEREFORE:ONLY 12.5% ARE IN CONFORMANCE, 87.5% ARE OUTSTANDING)

7(b)ii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 April 28
4143

RECEIVED
CITY CLERKS

REPORT TO: Tina Agnello, Secretary

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Review of the Site Plan Control Approval process with respect to the preparation of submitted plans by qualified professionals.

RECOMMENDATION:

That City Council adopt the following policy related to professional requirements in the preparation of plans submitted for Site Plan Control Processing:

1. That where development includes structures and/or buildings submitted for approval under Site Plan Control, and being consistent with the Ontario Building Code, and the Ontario Architects Act, the plans must be prepared and stamped by an architect or engineer, except for minor projects determined by the Director of Local Planning.

2. That where development includes grading and landscape plans submitted for approval under Site Plan Control, the plans must be prepared and stamped by a qualified professional architect, engineer, or landscape architect, except for minor projects determined by the Director of Local Planning.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In regard to professional requirements in the preparation of plans, it has been noted that numerous applications are initially processed with inaccurate, insufficient and/or incomplete information. The resulting meetings with the agent and applicant have eventually resolved the issues to an acceptable level. However the unnecessary delays in review, resubmission and clarification of requirements involve increased staff time. The requirement that the submitted plans be prepared by qualified professionals; ie. an architect, engineer and landscape architect, would benefit the project design, reduce and/or eliminate inaccuracies and problems with insufficient information, reduce staff review time and enhance the approval process.

The involvement of qualified professional in many of the projects is already stipulated through the Ontario Building Code and the Ontario Architects Act. Currently, both the City's Subdivision Agreement and Modified Subdivision Agreement require a licensed Professional Engineer to stamp and endorse the grading plans prior to the plans being submitted for review. Projects of a minor nature could be excluded from this requirement with the approval of the Director of Local Planning.

Nine municipalities were contacted for comparison purposes. The City of Kingston makes reference to the Ontario Building Code requirements of certain types of buildings which must be designed by an architect or engineer. The City of Burlington includes a clause in their registered Development Agreement, the requirement of an architect or engineer to design the proposed building. In addition, the Ontario Architect's Act stipulates the requirement of an architect / engineer for certain structures. All the communities contacted included a policy of requiring a Landscape Architect or strongly urged the involvement of a qualified professional.

CONCLUSION:

In order to assist the timely processing of Site Plan Control applications, and to bring the qualification of plans on stream with other procedures, required plans submitted for Site Plan Control approval should be prepared and stamped by qualified professionals; ie architect, engineer, landscape architect, except for minor projects determined by the Director of Local Planning.

JPS/ma

8.

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
APR 29 1993
CITY CLERKS

DATE: 1993 April 29

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Go Transit Layover Yard

RECOMMENDATION:

That the City of Hamilton name its Chief Administrative Officer as its liaison person with Go Transit and that he be asked to report to each meeting of your Committee on the status of Go Transit's activity and the nature of its interaction with the residents of the abutting neighbourhoods.

BACKGROUND:

See Attached Letter.

Peter Hill
Chairman
Urban Design Committee

URBAN DESIGN COMMITTEE

a Subcommittee of the Planning and Development Committee
c/o Planning Department, City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

April 27, 1993

TO: Mr. D. Drury, Chairman,
Planning & Development Committee,
and Members of the P & D Committee.

At the meeting of your Urban Design Committee on Monday, April 26, 1993 the issue of the Layover Yard needed to serve the GO Centre arose. As you know, the GO staff have recommended that it be placed south of the Stinson Neighbourhood, below the Mountain.

To date, the citizens of the area have not been included in discussions with GO Transit authorities as promised. All members of the Urban Design Committee were concerned that, again, the ploy of delaying things to the last minute so that little time is left to develop a timely response to their initiatives is being used.

It was recognised that this matter is not truly central to the mandate of your Urban Design Committee. However, I would be remiss and negligent if I did not bring the concerns of both the citizens and my committee members to your attention.

At this point, **your Urban Design Committee believes that placement of the Layover Yard where proposed does not conform to the best urban design principles.** There is a belief that reasonably proximate, already identified and studied, alternate sites are available and that these options should be pursued vigorously with GO Transit by the leadership of our community.

I am writing to recommend that the City of Hamilton name its Chief Administrative Officer as its liaison person with GO Transit and that he be asked to report to each meeting of your Committee on the status of GO Transit's activity and the nature of its interaction with the residents of the abutting neighbourhoods.

In this manner, City Council will be able to monitor the progress of all initiatives and take any action deemed necessary in an expeditious fashion. If this matter is not followed closely by your committee and City Council, opportunities for improvement and much hope on the part of residents will be lost.

Sincerely,

Peter L. Hill,
Chairman, Urban Design Committee

URBAN/MUNICIPAL
CA4 ON HBL A05
C 51P4
1993

Urban Municipal
Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1993 May 19
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA:

9:30 O'CLOCK A.M.

1. Zoning Application 92-48, 891157 Ontario Inc. (Roy Yates), owner, for a further modification to the "HH" District regulations, for property located at No. 1010-1024 Upper Wentworth Street; Bruleville Neighbourhood

   (a) Submission: Ralph DeNardis, 42 Titmouse Court, Hamilton

2. **DIRECTOR OF PROPERTY**

   Sale of North Half of Part 1 and all of Part 5 on Plan 62R-8770 1632 Upper Ottawa Street to Giacomo Angelini

3. **CHIEF ADMINISTRATIVE OFFICER/COMMISSIONER OF PLANNING AND DEVELOPMENT**

   Hamilton GO Transit Centre at 36 Hunter Street; Corktown Neighbourhood

4. **BUILDING COMMISSIONER**

   (a) Building Permit Fees

   (b) Proposed Amendments to the Regional Development Charges By-law R90-082

5. **CONSENT AGENDA**

6. **CONFIDENTIAL AGENDA**

7. **OTHER BUSINESS**

8. **ADJOURNMENT.**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

Item No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	C.I. 90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee
3.	Conditions of Conversions - Separate Utility Controls	1991 June 19	Building	Report Pending
4.	Site Plan Control Application DA-91-50 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
5.	ZA-91-12 - 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
6.	ZA-92-03 - 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
7.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
8.	Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots	1993 February 3	Alderman H. Merling	Tabled to allow previous Sub-Committee to review matter
9.	Revitalization of Barton	1993 February 3	Mayor R. M. Morrow	Various Departments to report back on Mayor's Request
10.	Building Permit Fees and Development Charges	1993 March 24	Building	Building Department to review and report back
11.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
12.	ZA-93-01 - 1011 Queenston Road	1993 April 21	Applicant	Tabled on request of Applicant

Tina Agnello, Secretary
1993 May 12

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	1993 May 12 ZA-92-48 Bruleville Neighbourhood
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee
FROM:	Mr. J. D. Thoms Commissioner of Planning and Development
SUBJECT:	Request for a further modification in zoning - 1010-1024 Upper Wentworth Street

RECOMMENDATION:

1. That approval be given to Official Plan Amendment No. to modify Policy A.2.9.3.28, (pertaining to SPECIAL POLICY AREA 33) to add a "notwithstanding" clause to permit a restaurant for property known as 1010 - 1024 Upper Wentworth Street, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

2. That approval be given to amended Zoning Application 92-48, 891157 Ontario Inc. (Roy Yates), owner, requesting a further modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations to permit a restaurant, on lands at 1010 -1024 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the amending by-law apply the holding provisions of Section 36(1)of the Planning Act, R.S.O., to the subject lands by introducing the holding symbol 'H' as a suffix to the modified Zoning District. The holding provision will prohibit development of the subject lands until the applicant has applied for and received approval for:

      a) a Site Plan Control application; and,

b) all access approvals and amendments from the Regional Council, as required by the Roads Department.

Removal of the holding restriction shall be conditional upon the approval of the Site Plan Control application for the subject lands, and approval by Regional Council of all access agreements and amendments, as required by the Roads Department. City Council may remove the 'H' symbol, and thereby give effect to the "HH" District provisions as stipulated in this By-law by the enactment of an amending By-law.

ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations as set out under Section 14A of Zoning By-law No. 6593, as amended by By-law No. 85-171, applicable to the subject lands, be further modified to include the following variances as special requirements:

a) Notwithstanding Section 14A(1) of By-law No. 6593, the following use shall be permitted:

1) a restaurant without any dancing or other entertainment except music and having a maximum gross floor area of 375 m^2 (4,037 square feet);

b) A minimum 3.0 m (9.84 feet) wide landscape planting strip shall be provided and maintained along the southerly lot line;

c) A minimum 3.0 m (9.84 feet) wide landscape planting strip shall be provided and maintained along the easterly lot line, except for access driveways;

d) A minimum 6.0 m (19.68 feet) wide landscape planting strip shall be provided and maintained along the westerly lot line;

e) A visual barrier of not less than 1.2 m (3.93 feet) in height and not more than 2.0 m (6.56 feet) in height shall be provided and maintained within the landscaped planting strip along the westerly lot line;

f) A visual barrier of not less than 1.2 m (3.93 feet) in height and not more than 2.0 m (6.56 feet) in height shall be provided and maintained along the southerly lot line; and,

g) Notwithstanding Section 14A(3)(a), a second ground sign shall be permitted with a minimum front yard depth of 4.5 m (14.77 feet).

iii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-922c, and that the subject lands on Zoning District Map E-18A be notated S-922c;

iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-18A for presentation to City Council; and,

v) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.

EXPLANATORY NOTE:

1. City Council will adopt Official Plan Amendment No. for the modification of Policy A.2.9.3.28. to permit a restaurant, for property municipally known as 1010 - 1024 Upper Wentworth Street.

2. The amending by-law establishes the holding provisions of Section 36(1) of the Planning Act, R.S.O., on the subject lands by introducing the holding symbol 'H' as a suffix to the modified Zoning District. The holding provision will prohibit the development of the subject lands until the applicant has:

   - applied for and received approval of a Site Plan Control application; and,
   - applied for and received approvals from Regional Council for the appropriate access agreements and amendments as required by the Roads Department.

   Removal of the holding provision shall be conditional upon the applicant receiving the necessary approvals for a Site Plan Control application, approvals from Regional Council for access agreements and amendments as required by the Roads Department, and the passage of an amending By-law by City Council to remove the 'H' symbol, and thereby give effect to the "HH" (Restricted Community Shopping and Commercial, etc.) District provisions, as stipulated in the amending By-law outlined below.

   The purpose of the by-law is to provide for a further modification to the "HH" (Restricted Community Shopping and Commercial) District regulations for land at 1010 - 1024 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit a restaurant not larger than 375 m^2 on the subject lands. In addition, the by-law provides for the following modifications as special requirements:

- requires a minimum 3.0 m (9.84 feet) landscape planting strip to be provided and maintained along the southerly and easterly lot lines, except for access driveways;

- requires a minimum 6.0 m (19.68 feet) landscape planting strip to be provided and maintained along the westerly lot line, with a visual barrier of not less than 1.2 m (3.93 feet) in height and not more than 2.0 m (6.56 feet) in height to be located within the landscape planting strip;

- requires a visual barrier of not less than 1.2 m (3.93 feet) in height and not more than 2.0 m (6.56 feet) in height to be provided and maintained along the southerly lot line; and,

- permits a second ground sign on the subject lands with a minimum front yard depth of 4.5 m (14.76 feet), whereas 12.0 m (39.37 feet) is required.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is requesting a further modification to the "HH" (Restricted Community Shopping and Commercial) District to permit a restaurant.

- Site Plan Control Application No. 92-64

  In December, 1992, the applicant submitted a Site Plan Control application for the subject lands (see APPENDIX "B"). It shows two new one storey commercial buildings with an approximate gross floor area of 1 945 m^2 (20,936.5 square feet). The application is currently under circulation to various departments and agencies for comment.

- Zoning Application 90-29

  City Council, on June 28, 1990, denied an application to permit a body shop addition to the established automobile dealership at 1024 Upper Wentworth Street. The car dealership is no longer located on the subject lands.

- Official Plan Amendment No. 31 and By-law No. 85-171

  Official Plan Amendment No. 31 was passed by Council on August 27, 1985. This Amendment had the effect of redesignating the subject lands (as well as lands to the north) from "Residential" to "Commercial", and prohibiting high traffic generating commercial and public uses, such as restaurants and other places of assembly. In addition, it anticipated that the number of new vehicular accesses onto Upper Wentworth Street would be limited.

  By-law No. 85-171, which implemented Official Plan Amendment No. 31, was also passed on August 27, 1985. It rezoned the subject lands, as well as lands to the north from "AA" (Agricultural) District and "B-1" (Suburban Agricultural and Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District modified, to prohibit: private clubs, lodges, etc.; restaurants with or without entertainment; and, auctioneer's premises, etc.

- Ontario Municipal Board Hearing - 986-998 Upper Wentworth Street

  The owners of 986-998 Upper Wentworth Street appealed a decision of City Council to deny their application for a restaurant and tavern for this property (located to the north of the subject lands). The Council's denial was consistent with the policies of Official Plan Amendment No. 31 and By-law 85-171. On March 1, 1989, the Board allowed the appeal and directed both the Official Plan and Zoning By-law be amended to permit a restaurant and tavern on the subject lands.

APPLICANT:

891157 Ontario Inc. (Roy Yates), owner.

LOT SIZE AND AREA:

The subject lands have:

- a frontage of 74.6 m (244.27 feet) on Upper Wentworth Street;
- a depth of 130.8 m (429.1 feet); and,
- a lot area of approximately 9 758 m^2 (105,037.7 square feet).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Retail Commercial	"HH" (Restricted Community Shopping and Commercial) District modified
Surrounding Lands		
to the north	Retail Commercial	"HH" (Restricted Community Shopping and Commercial) District modified
to the east	Limeridge Mall	"G-2" (Regional Shopping Centre) District
to the south	Cemetery	"AA" (Agricultural) District
to the west	Single Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District modified

OFFICIAL PLAN:

The subject lands are designated **Commercial** on Schedule 'A' - Land Use Concept and are within Special Policy Area 33 on Schedule 'B' - Special Policy Areas of the Official Plan. The following policies are noted:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

A.2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region.

A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,

iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

A.2.9.3.28 Notwithstanding the permitted uses set out in Subsection A.2.2 (Commercial Uses), for those lands shown on Schedule "B" as SPECIAL POLICY AREA 33, high traffic generating commercial and public uses, such as restaurants and other places of assembly, will be prohibited. Further, it is intended that the number of new vehicular accesses onto Upper Wentworth Street from the affected lands will be limited."

The proposal conflicts with the intent of the Official Plan. If the application is approved, an Official Plan Amendment will be required to modify Policy A.2.9.3.28 regarding Special Policy Area 33.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" on the approved Bruleville Neighbourhood Plan. A note on the Neighbourhood Plan identifies the subject lands (amongst others) for commercial uses which should not include high traffic generators, such as a restaurant. The proposal does not comply with the intent of the approved Neighbourhood Plan. If this application is approved, a Neighbourhood Plan amendment would not be required.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and the City Clerk's Department (Licensing Division) have no objections to the proposal.

- The Building Department advises:

  "1. The Site Specific By-law 85-171 prohibits the use of a restaurant.

  2. The proposed development is subject to Site Plan Control approval.

  3. The proposed development shall comply to the parking and loading requirements.

  4. All signs shall comply to Section 14A of By-law 6593."

- The Traffic Department advises:

  "We find the request to modify the "HH" (Restricted Community Shopping And Commercial) zoning to permit a restaurant use to be satisfactory. However, we have some concerns regarding the site plan submitted with this application.

The applicant has indicated that the proposed restaurant use will include a "drive-thru". Also, the plan shows a break in the median on Upper Wentworth Street allowing all-directional access to the south approach. The recommendation to cut the median to allow all-directional access to the site was based on the existing zoning which did not include a restaurant use. The request to permit a restaurant use will upgrade the zoning to a higher traffic generating use. We have re-evaluated the feasibility of allowing all-directional access with a high traffic generator (drive-thru restaurant) and have concluded that all-directional access will not be permitted. However, a northbound left turn into the site is acceptable.

This will require an amendment to the existing Access Agreement previously approved by Council. The applicant should be advised that the Region may assess all costs associated with the removal and reconstruction of the median and turn lane, relocation of the existing landscaping/trees and underground sprinkler system, installation of appropriate traffic control devices, to the developer.

It is our understanding that the Special Projects Office may have some concerns with allowing a median cut in this location. The applicant should be advised to contact the Special Projects Office in regard to this matter.

We have further concerns with the design of the access and the site plan which will be identified in our review of the site plan application (DA-92-64)."

- The Roads Department advises:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

The designated road allowance width of Upper Wentworth Street is 35.58m. The Region previously acquired the required road allowance widenings to establish this designated width. Therefore, no further road allowance widenings are required at this time.

As the applicant is aware, Regional Council at its meeting on March 17, 1992, passed the attached resolution which provides for a centre median cut on Upper Wentworth Street provided that the owner enters into an Access Agreement with the Region. This previous resolution was based on the land use zoning which specifically excludes restaurant uses on the property. With the submission of this application, the applicant intends to establish a higher traffic generating land use on this property which affects traffic patterns on the street. We have reviewed this matter with the Traffic Department and the Special Projects Office and have concluded that all direction access to this site through the proposed centre median cut on Upper Wentworth Street will not be permitted and that a northbound left turn lane into the site is acceptable.

Therefore as a condition of Zoning Approval we require that:

(a) that previous Regional Council approval to provide a centre median cut in the existing raised concrete median on Upper Wentworth Street, adjacent to lands at 1010 and 1024 Upper Wentworth Street, be rescinded.

(b) that left turns out of the subject lands onto Upper Wentworth Street be prohibited. The access to this property from Upper Wentworth Street will be restricted to right turn in, right turn out and northbound left turns in only. This will require extension to the left turn lane and taper, modifications to the concrete median island to prevent left turns out of the site and the construction of an island in the access driveway to prevents left turns from the site. It should be noted that 10 to 15 trees would have to be removed from the existing median for this left turn construction.

(c) that the amending Zoning By-law not be forwarded to City Council for approval until all access approvals and amendments, as noted, be approved by Regional Council.

(d) that the subject lands be developed through site plan control and that the site plans be revised to reflect the access requirements of Regional Council.

The applicant should also be advised that all costs associated with the removal and reconstruction of the median and left turn lane, relocation/removal of existing landscaping and trees, the underground sprinkler system, the installation of appropriate traffic control devices, etc. will be their responsibility."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. If approved, an Official Plan Amendment will be required to modify the existing Special Policy Area provisions.

2. The proposal conflicts with the intent of the approved Bruleville Neighbourhood Plan which limits commercial uses to non-traffic generating uses. If approved, an amendment is not required.

3. Official Plan Amendment No. 31 and By-law No. 85-171 (approved in August, 1985) specifically prohibits high traffic generating uses such as restaurants on several properties in the vicinity. The basis for the prohibition was a traffic study undertaken at the time which indicated that such uses are "high traffic generators" and, as such would increase traffic on Upper Wentworth Street to unacceptable levels.

   The Traffic Department however, as a result of this application, re-evaluated the traffic conditions on Upper Wentworth Street and the potential impact of the proposed restaurant. Accordingly, they can support the proposal provided the that approved Access Agreement be modified to a **left turn in only**. Both the Roads Department and the Special Projects Office can support this position.

4. The proposal has merit and can be supported on the following basis:

   - it is suitably located on a major arterial road (Upper Wentworth Street);

   - it would be compatible with existing (including the restaurant to the north), and proposed commercial development including retail commercial and highway commercial type uses along this portion of Upper Wentworth Street; and,

   - the Traffic and Roads Departments and Special Projects Office, based on the findings of the Traffic Department's analysis, can support the proposed restaurant on the basis of a **left turn in only**.

5. If this application is approved, it should apply only to the subject lands. A comprehensive amendment effecting all lands covered by By-law No. 85-171 and Official Plan Amendment No. 31 would be inappropriate. Each site should be evaluated individually recognizing the circumstances and conditions specific to that particular property.

6. Given:

   - the Roads Department's comments regarding the various approvals and amendments required to the access agreements by Regional Council; and,

   - the need for the Site Plan Control application to address on-site access and manoeuvring, amongst other matters;

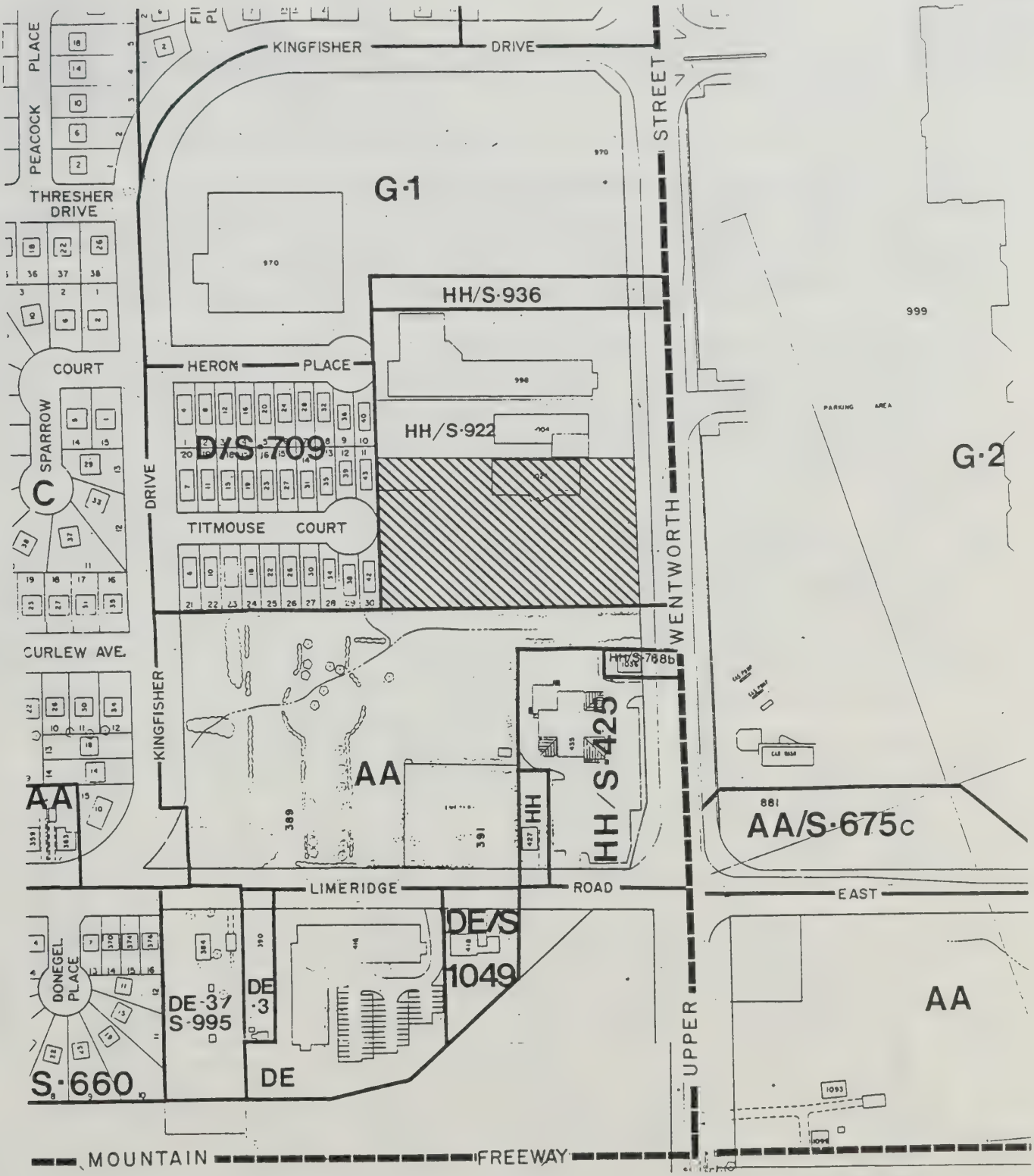
   it is appropriate to apply the holding provisions of the Planning Act, R.S.O., to the subject lands. Removal of the holding symbol should be conditional upon the applicant applying for and receiving the appropriate approvals for the access agreements and amendments by Regional Council, and the approval of the Site Plan Control application.

7. The applicant's draft site plan submitted shows: a 6.0 m wide landscape planting strip along the westerly lot line with a visual barrier therein; a 3.0 m wide landscape planting strip and a visual barrier along the southerly lot line; a 3.0 m wide landscape planting strip along the easterly lot line, except for access driveways; and, a 9.14 m high ground sign set back 4.5 m. With the exception of the height of the proposed ground sign, these variances are consistent with other similar developments in the area, and are considered to be minor in nature. On this basis, these variances can be supported.

CONCLUSION:

Based on the foregoing, the amended application can be supported.

CLF/
9248



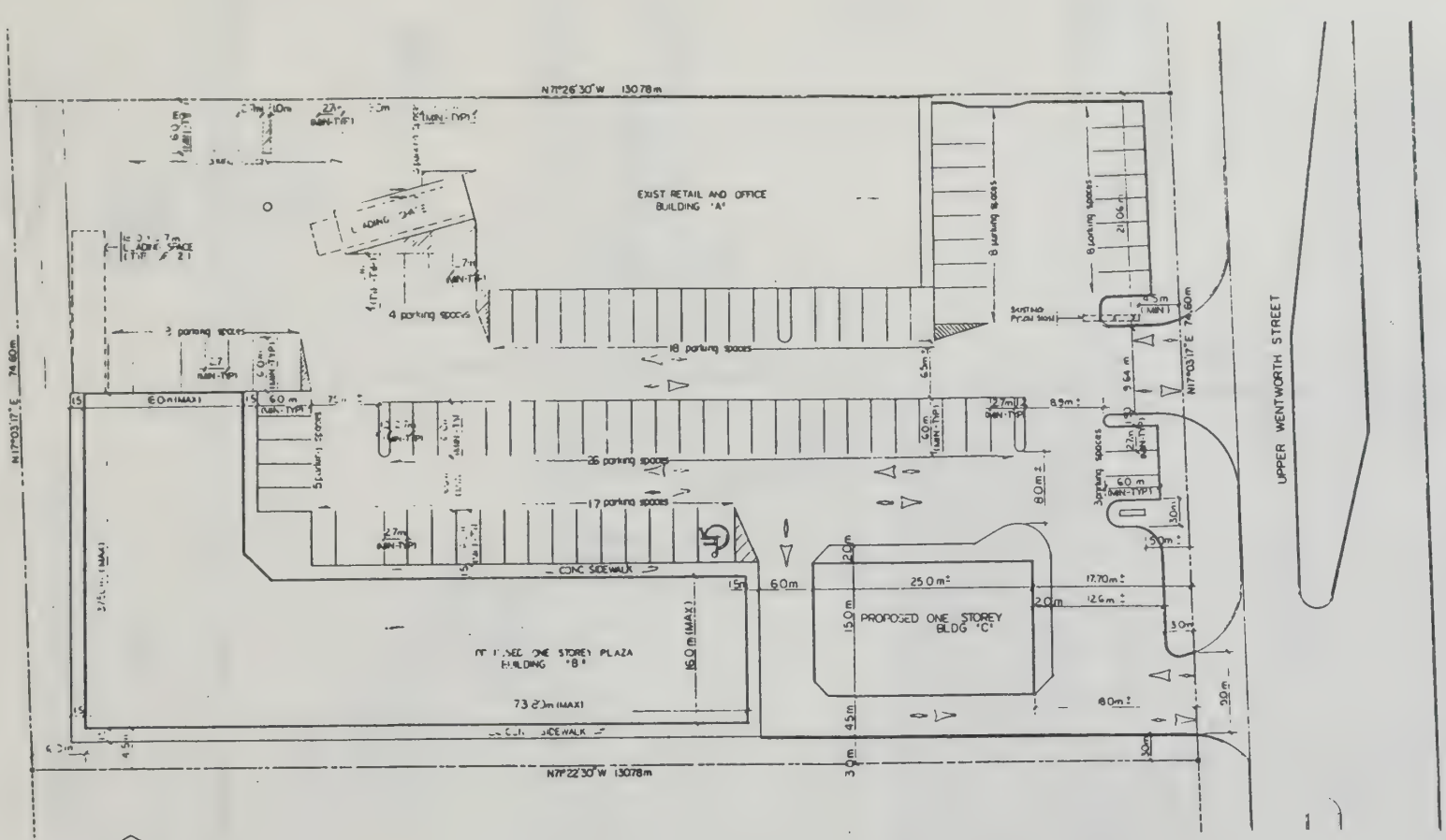
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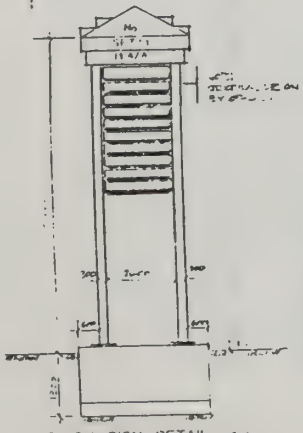
Site of the Application

ZA 92 - 48

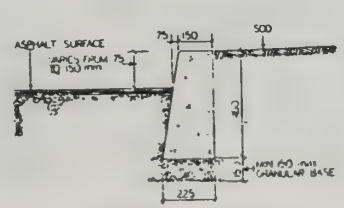
APPENDIX A

ZA-92-48

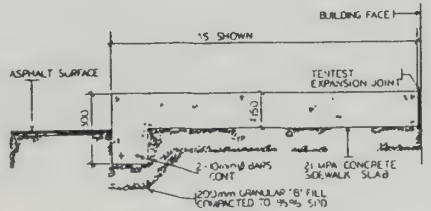




PYLON SIGN DETAIL (NTS)



TYPICAL CURB DETAIL (NTS)
NOTE ALL DIMENSIONS ARE GIVEN IN MILLIMETRES



TYPICAL SIDEWALK DETAIL (NTS)
NOTE- ALL DIMENSIONS ARE GIVEN IN MILLIMETRES

I/We: Setay Investments, the owner of the land, hereby undertake and agree without reservation.

(a) to comply with all the content of this plan and drawing and not to vary therefrom;

(b) to perform the facilities, works or matters mentioned in Section 35(11)(a) of The Planning Act shown on this plan and drawing, and

(c) to maintain to the satisfaction of the City of Hamilton and at my (our) sole cost and expense, all of the facilities, works or matters mentioned in Section 35(11)(a) of the said Act, shown on this plan and drawing including removal of snow from access ramps and driveways, parking and loading areas and walkways.

Dated this ____ day of ____, 19__

(Seal)

Witness (Signature) — Owner (Signature)

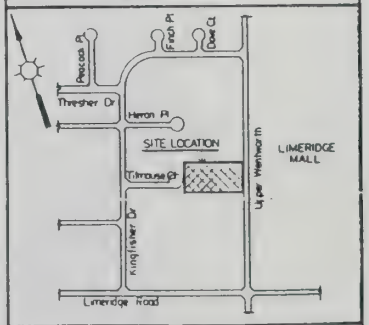
Witness (Print) — Owner (Print)

Address of Witness

NOTES

1. All work involved in the construction, relocation, repair of municipal services for the project shall be to the satisfaction of the Commissioner of Regional Engineering and at the expense of the owner.
2. Fire Route signs and 3-Way Fire Hydrants shall be established to the satisfaction of the City Fire Department and at the expense of the owner.
3. Main driveway dimensions at the property line boundaries are plus or minus 7.5 m unless otherwise stated.
4. All driveways from property lines for first 7.5 m shall be within 50 maximum grade, therefore, all driveways shall be within 10% maximum grades.
5. The approval of this plan does not exempt the owner's licensed contractor from the requirements to obtain the various permits normally required to complete a construction project, such as, but not limited to the following.
   - Road cut permits
   - Sewer permits
   - Approach approval permits
   - Relocation of services
   - Committee of Adjustment
   - Encroachment agreements (if required)

SITE PLAN (nts)



DeFILIPPIS DESIGN
237 BARTON ST E., SUITE 202
STONEY CREEK, ONTARIO L8E 2K4
(416) 662-2241

NOTE

1. Owner/contractor to verify and check all dimensions and spec's prior to and during construction.
2. Any deviations, defficiencies or discrepancies from these drawings and specs requires written clarification and/or approval from the designer prior to construction.

JOB NO	
CHKD BY	
DRN BY	JR
DATE	OCT '92
SCALE	1:250
DWG NO	SH OF

NEW PLAZA AT 1024 UPPER WENTWORTH
SETAY INVESTMENTS
"PROPOSAL PLAN"
SITE PLAN

APPENDIX B

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 Apr. 30

1a

Secretary,
Planning and Development Committee,
City Hall,
71 Main St West, Hamilton.

I am writing this letter to indicate my opposition to the proposed modification in zoning to 1010 - 1024 Upper Wentworth St (file # ZA-92-48). The issue of this rezoning goes back numerous years so before I state the reasons for my objections I wish to give a brief synopsis of the events that have led up to this letter.

I purchased my home at 42 Titmouse Court (Highlighted on your map) in December of 1983. At that time the property in question was zoned as agricultural. In 1984 a proposal was made to change the zoning of this property to commercial in order to facilitate the construction of a car dealership. Myself and many of my neighbours had strong objections, fearing the other uses for this property if the car dealership did not work out. These uses included restaurants, bowling alleys, fast food outlets etc etc.. After a long and bitter fight with the property owners (at that time) and the City, we agreed to the rezoning but only after if had been amended to read "RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL". This would not allow any high flow or late night generated traffic, including the restriction of restaurants. This arrangement existed for many years and the maintenance on the buffer zone was little (if any). I am constantly repairing their fence as boards are either broken or kicked down by area youths.

In 1990 the car dealership applied to change this zoning to allow for an 'Auto Body and Paint Shop' to be added to the dealership. Once again there was bitter objection from the neighbourhood and after speaking at the public meeting myself, a neighbour and Ward 7 Alderman were successful in getting the City of Hamilton's Planning and Development Committee to turn down this request.

Now in 1993 their is once again a proposal to have this zoning changed to allow for a restaurant on this same property. The choice of the word 'RESTAURANT' is deceiving. I believe Road Houses such and O'Tooles, Kelsey's, Cheers, Frisco's etc. are all classified as restaurants as well when in reality they are nothing more than Bar's or Taverns. I have no objection with the opening of such establishments but not in the middle of an existing residential neighbourhood where my two small children and the many children on my street play. The obvious concerns arise if one of these 'RESTAURANTS' is built on this property. Noise (both inside and outside of the establishment), garbage from operating the business (food waste and other), and late night closures where people in various degrees of intoxication all congregate at once. I will not go into the vivid description of what I can anticipate happening as I am sure you can imagine that yourself.

In closing let me state that the main reason for turning down the Auto Body and Paint Shop was because the residential area was there first (we did not choose to move in beside a commercially zoned property). The zoning was changed only when the CITY OF HAMILTON agreed to limit this property to "RESTRICTED USES" and give us their word that this will stand. Now every two or three years we have to fight to keep this zoning intact. What good is fighting for your rights in the first place if the Planning and Development Committee chose to ignore the promises that were made to the citizens of this neighbourhood during the original rezoning.

I am not sure if I can attend the Public Meeting on this issue due to my job requirements. I ask that you take this letter into consideration when your make your decision on this application. Remember to ask yourself what you would do if someone was trying to build a restaurant beside your home.

Respectfully

Ralph DeNardis

Ralph DeNardis

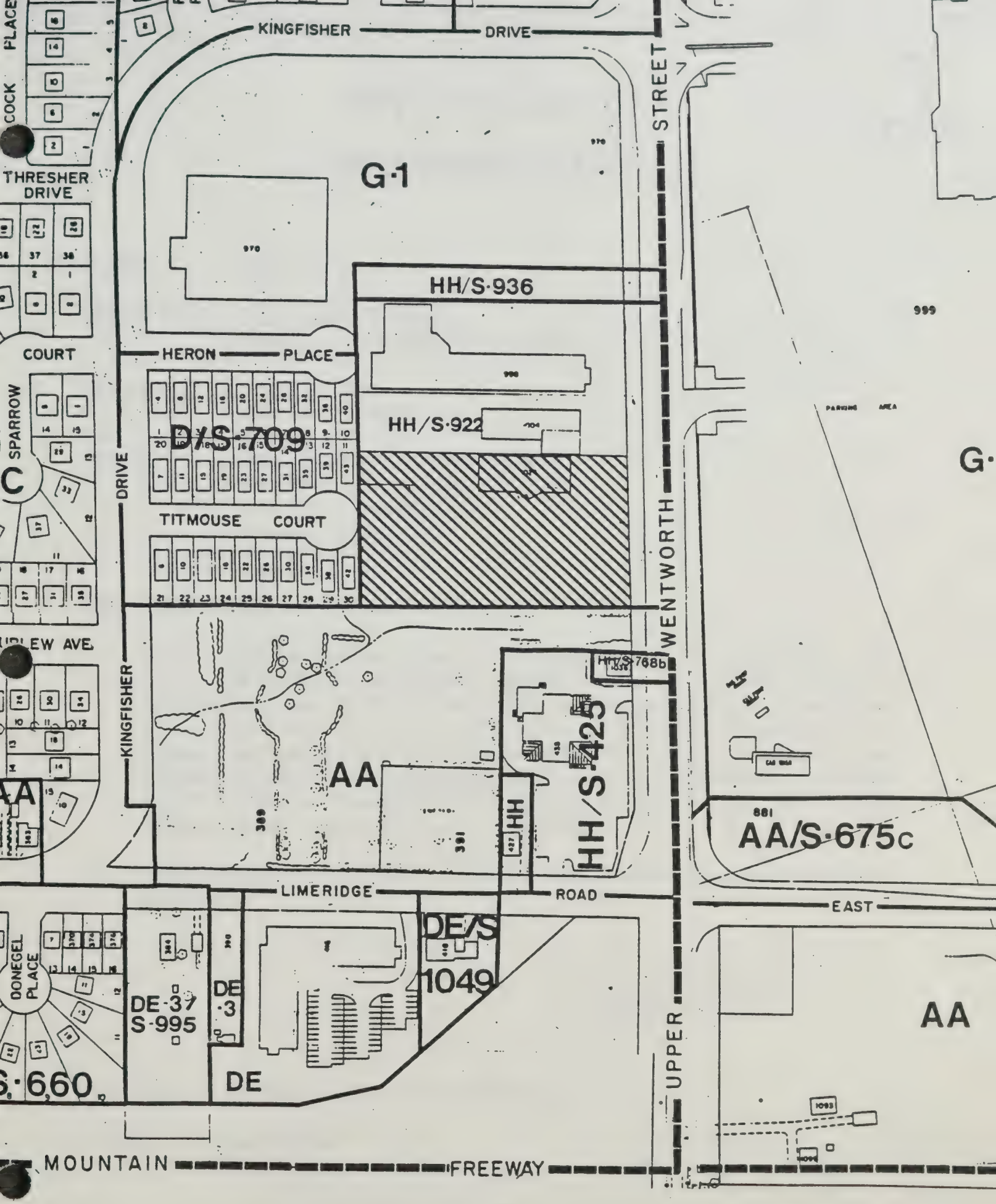
42 Titmouse Court
Hamilton, Ontario
RES: 575-1070
BUS: 546-2085

SEQ - 00037

CC ALDERMAN DON DRURY,
CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

ALDERMAN HENRY MERLING,
CITY OF HAMILTON, WARD 7

ALDERMAN TERRY ANDERSON,
CITY OF HAMILTON, WARD 7



Legend

Site of the Application

ZA 92-48

2

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 May 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: **Sale of North Half of Part 1 and All of Part 5 on Plan 62R-8770 1632 Upper Ottawa Street to Giacomo Angelini**

RECOMMENDATION:

a) That an Offer to Purchase from the Corporation of the City of Hamilton, duly executed by the purchaser, Giacomo Angelini, on May 11, 1993 and scheduled to close on September 17, 1993, for the lands being composed of the north half of part 1 and all of Part 5 on Plan 62R-8770, known as 1632 Upper Ottawa Street, be approved and completed. The purchase price is $110,000. A required deposit cheque in the amount of $11,000 is being held by the City Treasurer pending Council approval, with the proceeds to be credited to Account No. CH 4X501 00102 (Property Sales - Reserve for Property Purchases).

b) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation.

BACKGROUND:

Mr. Giacomo Angelini of Rymal Collision Centre Inc. would like to purchase approximately a 1.2 acre lot to build a minimum 10,000 square foot building for his business. This new building will allow him to expand his business and increase the number of employees from 15 at present to 20 persons.

The purchase price of $110,000 is somewhat below our desired selling price of $125,000 and the following factors were considered in arriving at our recommendation to sell.

The purchaser will be required at his own costs to:

a) build a retaining wall at the rear of the lot or address the higher elevation by some other means;

b) correct the grading of the lot;

c) clear the lot of all debris that has accumulated from illegal dumping;

d) install sewer and water laterals.

In addition, the purchaser plans to build his proposed building immediately creating valuable jobs and taxes for the City of Hamilton. The purchaser will hire an additional five (5) people once his building is finished and operational.

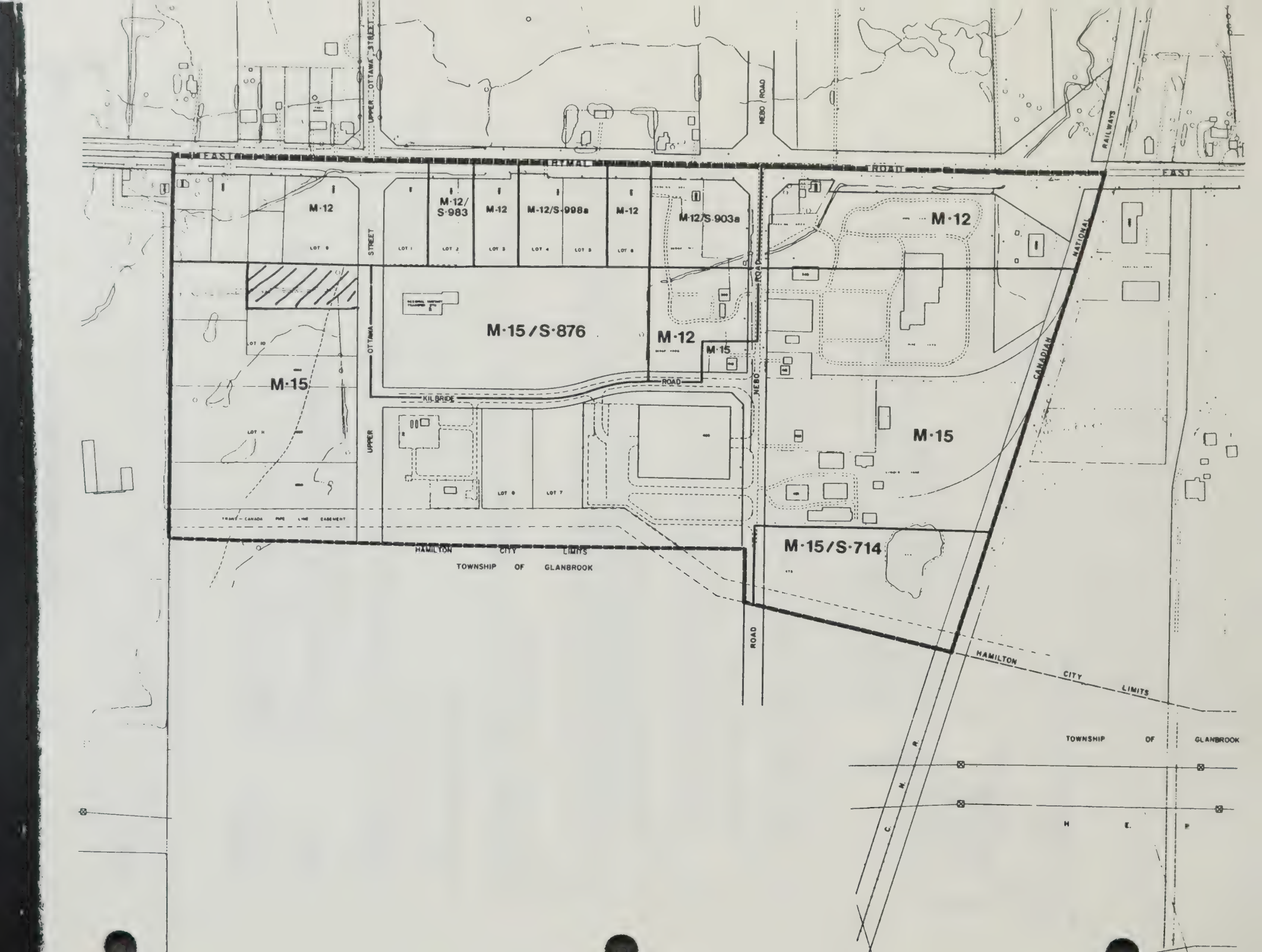
Finally, due to non-compliance of the agreement by the former owners, the City was able to repurchase this lot and the deposit of $10,667 was forfeited to the City.

In view of the aforementioned factors, this Department is quite pleased to recommend this sale which will hopefully spur on other development in the area.

DJC/klb

c.c. Alderman T. Jackson, Alderman, Ward 6
Alderman Bob Charters, Alderman, Ward 6
P. Noé Johnson, City Solicitor
Allan C. Ross, Treasurer
N. Catalano, Director of Economic Development
C. Bandurka, Property Clerk, Surveys, Roads Department

(20.1.295 - 2738)


M-12
M-12/S-983
M-12
M-12/S-998a
M-12
M-12/S-903a
M-12
M-15/S-876
M-12
M-15
M-15
M-15
M-15/S-714
EASTMAN ROAD
EAST
UPPER OTTAWA STREET
NEBO ROAD
RAILWAYS
CANADIAN NATIONAL
KILBRIDE ROAD
HAMILTON CITY LIMITS
TOWNSHIP OF GLANBROOK
C N R
H E P

CITY OF HAMILTON

- RECOMMENDATION -

3

DATE: May 11, 1993
DA-92-36
Corktown Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. Pavelka, Chief Administrative Officer
Mr. V. Abraham, Director Local Planning

SUBJECT: Hamilton GO Transit Centre at 36 Hunter Street.

RECEIVED
MAY 13 1993
CITY CLERKS

RECOMMENDATION:

That in regard to the development of the Hamilton GO Transit Centre at 36 Hunter Street, that the following be endorsed:

a) That the alternative design concept of the Hunter Street frontage as shown on Appendix "A" be approved in principle and be forwarded to the Transport and Environment Committee for consideration and direction to work with GO Transit representatives for its implementation;

b) That the proposed ramp and reconstructed steps at Hughson and Haymarket Streets including a canopy as an extension of the Transit Centre roof structures form part of the development; and,

c) That updated plans including Site, Grading, Landscape and Canopy elevations be submitted for approval which should include the following:

i) an extended vestibule area at the south entrance;
ii) extended canopies along Hunter Street toward John and James Streets;
iii) notation of paving treatment for pedestrian crossings; and,
iv) barrier-free access design features.

J. Pavelka
Chief Administrative Officer

V.J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND:

At its meeting of March 9, 1993, City Council approved Section 10 of the 5th Report of the Planning and Development Committee which required GO Transit to address nine items in the design of the Hamilton GO Transit Centre. GO Transit representatives have forwarded their position in the context of GO Transit policies, standards, operating requirements and budget constraints. The following outlines the item to be addressed, GO Transit Response and Department Comment.

ITEM 1: Alternative designs of the Hunter Street frontage should be reviewed to address the pedestrian spaces, vehicular movements and related details which are within the project property and the Hunter Street road allowances.

RESPONSE: "GO Transit will implement a plan as generated by the City-Region subject to satisfactory arrangement for passenger pick-ups and drop-off facilities on both Hunter Street and Haymarket/Hughson Streets, including a satisfactory arrangement for cost sharing such that the change does not cost more to GO Transit than the current design within the site boundaries.

The DARTS vehicles will be accommodated within the bus terminal area (designated bus bay)."

COMMENT: The concept of the alternative plan is acceptable to the various departments and committees to achieve the various concerns related to pedestrian spaces, vehicular movements, reduced pedestrian/vehicular conflicts, etc. Details of the plan should be further developed by GO Transit on the basis of this concept and in conjunction with various municipal departments and committees.

ITEM 2: The proposed ramp and reconstructed steps at Hughson and Haymarket Streets should include a canopy as an extension of the Transit Centre roof structures and the appropriate agreements provided.

RESPONSE: "GO Transit will pay 50% of the stair costs and full ramp and canopy costs, subject to satisfactory arrangements concerning maintenance and liability."

COMMENT: The updated plans should include the details of the canopies over the steps and ramp. The Real Estate Department is proceeding to include details of costs, construction, maintenance, liabilities,etc, in their agreements dealing with Beckley Street.

ITEM 3: The pedestrian waiting areas adjacent to the parked bus areas should be considered to be climate controlled waiting areas.

RESPONSE: "GO Transit cannot provide a climate controlled bus platform due to excessive operating costs, but will provide climate controlled shelters at the east and west ends of the bus platforms, as well as the concourse waiting areas. GO will also endeavour to expand the south vestibule area for increased waiting space."

COMMENT: Although a climate controlled waiting area across the rear area may still be desirable, the economic constraints are recognised. GO Transit should submit their updated proposed designs for the extended south vestibule area for comment.

ITEM 4: The pedestrian canopy interface between the project and the bridges at John and James Streets should interconnect and provide a continuous covered fully accessible pedestrian walkway with appropriate agreements for construction within the road allowances.

RESPONSE: "GO Transit will cost share cosmetic improvements to the bridge underpass subject to satisfactory arrangements currently being negotiated with the Region. Because the proposed interconnections will be demolished upon eventual bridge re-construction, GO Transit cannot justify them at this time."

COMMENT: A recent meeting of staff and GO Transit representatives clarified a number of issues involving the canopies and the interfaces to the adjacent bridges. Concerns are related to structure, economics and possible damage by vehicles. The canopies will be extended as close as possible to the adjacent street property lines and further consideration will be given to some type of pedestrian cover between the property line and the existing bridges. The updated plans should include this feature.

ITEM 5: Pedestrian paving patterns within the project should be integrated with pedestrian movements crossing the driveways at James and John Streets with appropriate agreements for construction within the road allowance.

RESPONSE: "GO Transit will implement sidewalk re-construction including contrasting tactile edging and seek the appropriate agreements for work within the road allowance."

COMMENT: The updated plans should include general information with details being discussed with the Roads department and representatives of the Barrier-free design Committee.

ITEM 6: The interface of stairs and connections from the train and bus platforms to the adjacent sidewalk on James and John Streets should be designed fully accessible with safety considerations and improved lighting, with appropriate agreements for any construction or features within the road allowances.

RESPONSE: "GO Transit will provide an elevator within the concourse and certain accessible doors at the station building, including the front Hunter entry, for the barrier-free access to the train platform, as well as a mini-platform on the train platform for barrier-free access to the trains. GO Transit cannot provide barrier-free access at James and John Street train platform access points due to site constraints, safety considerations, and excessive capital and operating costs that would be compatible with that provided at Union Station and certain intermediate stations, such as the Hamilton area. Aldershot will not be GO accessible. Aldershot accessible in future when platforms to be lengthened,subject to available funds. Burlington(Fairview) will be in 1994."

COMMENT: In a recent meeting of staff and GO Transit representatives, it was further discussed that it is GO Transit intention to provide barrier-free access specifically to the 5th train car which would then be aligned at each station with a "mini-platform" with related elevator or ramp features. This provision would be consistent with the facilities at other intermediate stations.

The specifications have included mirrors, security and lighting features throughout the site to ensure safety considerations.

ITEM 7: The Issues Paper, and the Comments on the GO Station should be re-examined to incorporate detailed concerns previously noted.

RESPONSE: "GO Transit will incorporate all Appendix "T" and Appendix "U" items compatible with the GO Transit Engineering Standards and Policies, within the GO Transit site, but will also provide trail-blazer signs beyond the site, subject to satisfactory arrangements with the City-Region.

The traffic compatibility of the site with the proposed Hamilton GO Centre has been established by the "GO Train Service Expansion Program, Burlington to Hamilton Study, Environmental Assessment Report, November 1989", Volume 1 and 2, approved by the MOE and Cabinet since April 1992."

COMMENT: The additional information on subsequent plans are incorporating various features or concerns noted in the Issues Paper and the Comments. Further updated plans will add clarification to many of those features. Other issues raised are beyond the site and should be addressed through the GO Study Area project and appropriate Departments.

ITEM 8: Update plans should be submitted for review and comment.

RESPONSE: "GO Transit will continue to submit plans for review and comment. At the present time Detail Design plans and Contract Documents are 95% complete and certain copies as requested by John Sakala have been submitted, but the full Contract Document package is available upon request.One set given to Hoda Kayal."

ITEM 9: That the City of Hamilton's commitment to Barrier -free Design be adhered to in all aspects of the outside design at the Proposed GO Station and that all appendices be completely accessible.

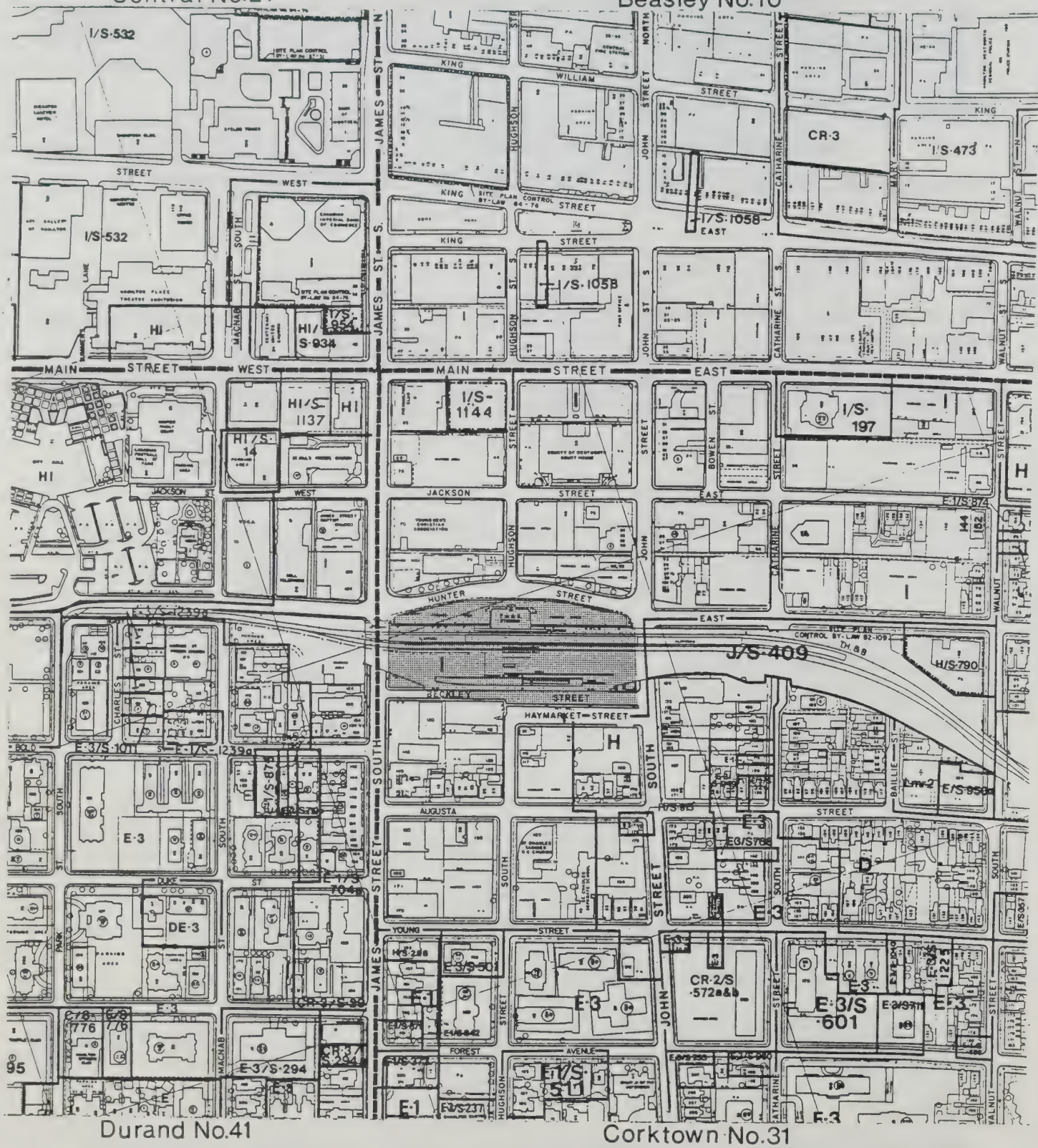
RESPONSE: "GO Transit will cooperate with the City of Hamilton's commitment to Barrier-free design where compatible with GO Transit Engineering Standards and policies, O.B.C. Section 3.7, CAN/CSA -B651-M90, and the MGS guide to Barrier-free Design for Ontario Government Buildings, and CNIB's TP 9048E "Access Needs of Blind and Visually Impaired Travellers in the Transportation Terminals: A study and Design Guidelines." However, all appendices cannot be completely accessible as explained under Item 6 above, but as negotiated with Hoda Kayal, additional items are in progress as per our letter of 20 April 93."

"After inauguration of the Hamilton GO Centre, GO Transit will continue to make accessible improvements in accordance with GO Transit long-range emergent programs and the GO Transit business plan, subject to availability of funding."

COMMENT: GO Transit representative have had a number of meetings and discussions with the Barrier-free Design Sub-Committee and their representatives. The update plans should provide information resulting from those meetings and discussions.

CONCLUSION:

The various concerns are being addressed through meetings, discussions and development of the construction drawings. The updated plans should be submitted for circulation and approval by the Planning and Development Committee. The Alternative Conceptual Design of Hunter Street should proceed to the detailed design process with input from the appropriate departments and committees.



City of Hamilton

Plan Showing Lands Subject to

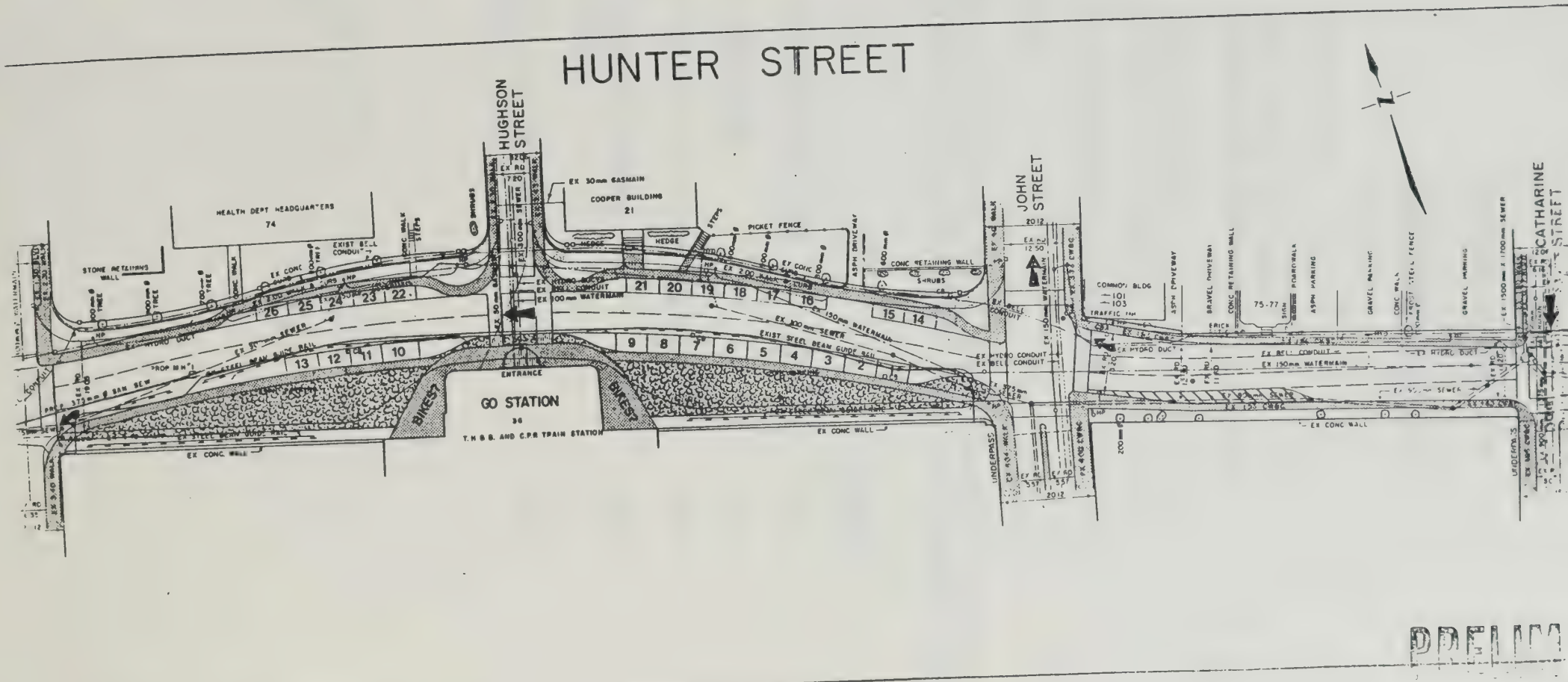
Site Plan Control Application DA-92-36

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	1:5000	DA-92-36
	Date	Drawn By
	OCT., 1992	E.C.


HUNTER STREET
HUGHSON STREET
JOHN STREET
CATHARINE STREET
HEALTH DEPT HEADQUARTERS
74
COOPER BUILDING
21
GO STATION
36
T.H.&B. AND C.P.R. TRAIN STATION
ENTRANCE
BIKES
BIKES
HEDGE
PICKET FENCE
STONE RETAINING WALL
CONC RETAINING WALL
EX 30mm GASMAIN
EX 300mm WATERMAIN
EX 150mm WATERMAIN
EX 200mm SEWER
EXIST STEEL BEAM GUIDE RAIL
EX CONC WALL
EX HYDRO DUCT
EX BELL CONDUIT
COMMON BLDG
101
103
TRAFFIC HUT
ASPH DRIVEWAY
GRAVEL PARKING
BRICK
ASPH PARKING
CONC WALK
EX STEEL FENCE
EX 1500mm x 1700mm SEWER
UNDERPASS
PRELIM

4a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: May 4, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED
MAY 05 1993
CITY CLERKS

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: **BUILDING PERMIT FEE** (BI-93-01, 93.2.4.2.1.A)

RECOMMENDATION:

That the City Solicitor be directed to prepare an amendment to the Building Code By-Law 85-86 to amend the building permit fee for the following construction:

	Existing	Proposed
Installation of air conditioning unit	$150	$75
Installation of a heat pump	$150	$75
Reshingling of roof for single family dwelling	$150	$75
Demolition of garage or shed of single family dwelling	$150	$75
Any construction where the construction cost is less than $1000	$150	$75

L.C. King, P. Eng.

LCK/WKW/zr

...2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The 1993 Department User Fee revenue may decrease by a small amount.

BACKGROUND:

The Planning and Development Committee approved the Department's 1993 User Fee at its meeting held December 22, 1992. Since the new fee was effective in January 13, 1993, this Department has been receiving numerous complaints from homeowners, small contractors, and HVAC installers that the basic permit fee of $150 for small construction work or the installation of air conditioning units, heat pumps is onerous.

In order to respond to these complaints, and to ensure that our basic permit fee would not cause undue hardship to the homeowners and construction industry, this Department conducted a survey throughout a number of municipalities regarding the permit fee. From our findings, we came to a conclusion that a $75 basic permit fee for small construction work or installation of air conditioning units, heat pumps, etc. would be more equitable and also in line with neighbouring and Greater Toronto Area municipalities.

4b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: May 13, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng., Chairman
Development Charges Staff Subcommittee

SUBJECT: **Proposed Amendments to the Regional Development Charges By-law #R90-082 (93.4.12.1, 93.2.4.2.1.A)**

RECOMMENDATION:

That the Mayor be authorized and directed to forward the following comments to the Region of Hamilton-Wentworth respecting the report by C.N. Watson & Associates on proposed changes to the Regional Development Charges By-law #R90-082.

a) That the City of Hamilton support:

i) A review of all costs related to development.

ii) Financial policy guidelines for Deferred Payment Agreements.

iii) Calculation of non-residential charges on a square foot basis instead of an acreage basis.

iv) Farm exemptions.

v) No exemptions for institutional uses other than the mandatory exemption provided by the Development Charges Act.

vi) The continuation of the policy of providing a credit for conversion of existing space.

...2

b) That the City of Hamilton is opposed to the recommendation for the period to which a credit will be granted for exemptions for property where building was previously located on the lot be reduced from ten years to three years for the following reasons:

i) The reduction in credit will unfairly penalize redevelopment in the City of Hamilton to the benefit of greenfield development in other areas.

ii) Reduction in the credit period from ten to three years will discourage rather than encourage redevelopment.

iii) It is contrary to the Region's planning strategy dealing with intensification of existing properties and does not result in optimum use of previously developed serviced lands of which the City has a surplus.

iv) It is in contradiction to the Region's support for sustainable development.

c) That the City of Hamilton oppose the recommendation that infill development be required to pay the same charge as all other forms of development for the following reasons:

i) The proposal will discourage infill development.

ii) The charge for infill will be the same as for greenfield development which will penalize the City of Hamilton in relation to outlying municipalities.

iii) Infill development needs incentives in order to encourage conversion of existing buildings and utilization of existing property which is already serviced and maintained by the City. New development may reduce serving costs while at the same time increase assessment.

The City already promotes infill development by exempting ten residential units or less from development charges and from many requirements under the Zoning By-law.

...3

d) That the City of Hamilton oppose the recommendation to continue the policy of uniform development charges throughout the entire region for the following reasons:

   i) There is no equity between greenfield developments occurring in the outlaying portion of the Region and the City of Hamilton.

   ii) There are specific areas within the City which should be exempt from any development charges as there are already adequate services provided and, in fact, the total demand for services in these areas has declined.

   iii) Due to projected population growth and anticipated demand on services, most of the City does not require the provision of any hard services or increase in pipe sizing.

e) That the City of Hamilton has no comment on the remaining recommendations.

L.C. King, P.Eng.

LCK/PCL/dm
Encl.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On May 6, 1993, the Regional Finance Committee held a public meeting respecting Component I of their study regarding development charges. Component I deals with the philosophical issues related to the application of development charges by-laws.

...4

With regard to the Regional Municipality of Hamilton-Wentworth, a development charge by-law (R90-82) was passed by Council on June 19,1990. Subsequent to the passage of the by-law, several amendments were made. On June 16, 1992, in an attempt to provide economic stimulus for growth in the Region, a reduction in the charges was made. This reduction in charges was for the period April 22, 1992 to June 30, 1993 and represented a 30% reduction in residential charges and a 40% reduction in non-residential charges.

During Regional Council's consideration of the 1992 reduction in development charges, it was concluded that a comprehensive review of the Region's methods of financing growth-related capital requirements was required and Regional Council approved a Development Charge Study process which would examine:

Component I:	Philosophical Issues
Component II:	Cost Identification
Component III:	Administrative and Legal Issues

The attached summary, Schedule "A", is the Consultant's summary and recommendations addressing the first component, Philosophical Issues. The purpose of this Component is to examine from first principles, the philosophical issues relating to the recovery of growth-related capital costs in the Region.

The Development Charges Staff Subcommittee, comprised of representatives of the Culture and Recreation, Law, Public Works, Traffic, Treasury, Fire, Planning, and Building Departments and the Hamilton Public Library, reviewed the Consultant's report and determined that three major issues should be opposed by the City.

These main issues are as follows:

1. Exemptions for property where a building was previously located on the lot (Referenced as 1.9).

   Where an existing building is demolished and a new building is constructed, it is reasonable that credit be given for the existing building. The Region currently gives credit for existing buildings and structures for up to ten years after demolition. The proposal by the Consultant would reduce this credit from ten years to three years.

...5

It is the City position that serviced lots previously occupied by buildings should be given full credit for existing buildings in order to encourage development of the lot. The ten year limit is reasonable as it allows demolition of buildings on the site and allows for interim uses such as parking lots. Reduction of the credit period from ten to three years will adversely affect the development potential of previously developed property in Hamilton.

2. Infill Development (Referenced as 1.4)

The Consultant report recommends that infill development be required to pay the same development charge as other forms of development. It is the staff committee's position that infill development already has the services in place to accommodate the development and, therefore, should be assessed at a lower rate or be exempt from development charges. Charging infill the same rate as greenfield development will discourage infill development, penalizes Hamilton, which has a surplus of infill lands, and does not provide incentives for utilization of existing buildings or services. The City presently promotes infill development by exempting up to ten residential units from development charges on infill conversion and has special allowances in the zoning by-law to reduce parking and unit size requirements.

3. Uniform vs Site Specific Charges (Referenced as 1.5)

The Consultant's report recommends that development charges should be uniform rather than varying. The Consultant makes this case on the basis that the "...municipality is seeking to provide a uniform standard of service based on a uniform tax and rate structure". This assumption may be true for a one tier government, but for two tier government as we have with the Region, this statement is not applicable. It is the City's position that there is no equity between greenfield developments in the outlying parts of the Region and development within the City of Hamilton. There are major portions of the City which should be exempt from any development charges as there are already adeqate services provided. Based on projected population growths and anticipated demand for services the application of any Regional Development Charges within the City is questionable.

c. c. - Development Charges Staff Subcommittee

SUMMARY AND RECOMMENDATIONS

1. Development Charge Policies

1.1 Review all costs related to development

The Development Charges Act defines capital cost as costs incurred or proposed to be incurred by a municipality or a local board, directly or under an agreement to acquire land (or an interest in land), to improve land, to acquire, construct or improve buildings, structures , rolling stock, furniture, equipment, library materials and to undertake studies in connection with any of the (aforementioned) matters. The scope of the Region's current Development Charge Study did not include some of the services which it presently provides (i.e. Confederation Park, Solid Waste Disposal, Wentworth County Library, Airport, Daycare, Homes for the Aged). As well, all types of capital costs were not addressed in the initial study. Although Council may not wish to include all services or types of capital expenditures within the development charge, the 1993 Study update should review all services fully to provide Council and the Public with a complete assessment.

Recommendation

That all Regional Services and all capital needs be reviewed during the 1993 development charge update.

1.2 Deferred Payment Agreements

Section 9 (8) of the Development Charges Act, allows a municipality and developer to enter into an agreement to delay payment of a development charge. The Region has extended this payment option to all developments with a deferred payment period of up to 3 years, at the developers' discretion. Although the Region has provided for recovery of interest foregone from Regional reserves by cash flowing the deferred payments, delayed revenue recovery can restrict the Region's financial flexibility (liquidity). The present policy should be expanded to include financial policy guidelines (e.g. how much of the Region's financial resources should be committed to deferred payment agreements, eligibility criteria to ensure these developments who need the benefit receive it and should the policy continue during strong economic times as well as weak economic times, etc.).

SUMMARY AND RECOMMENDATIONS (Cont'd)

With respect to the individual agreements, there are no requirements at this time for the developer to provide security against the possibility of payment default. If payment is not made when agreed, the Act provides that recovery will be made in the same way as taxes. To limit the Region's financial exposure, security should be provided within the agreement.

Recommendation

That financial policy guidelines be developed for the deferred payment agreements during the 1993 development charge study update.

That security, other than land, be provided equal to the total amount of the liability agreed to under the deferred payment agreement.

1.3 Acreage Charge versus Square Footage Charge

Most Ontario Municipalities who have adopted a non-residential development charge have done so on a per square foot (or metre) basis. Some of the benefits derived by this form of charge is:

- the developer pays as the development proceeds
- amount of charge paid by developer/business reflects density or amount of development
- charge imposed reflects most current service standards and costs of servicing
- easily administered by lower tier municipalities for collections

Disadvantages of the Acreage Charge include:

- small developments may pay a proportionately higher cost for services versus high density development
- higher upfront cost for development
- more difficult for lower tier municipalities to collect
- more difficult to calculate charge for infill, conversion and expansion developments

SUMMARY AND RECOMMENDATIONS (Cont'd)

Recommendation

That the non-residential development charge be calculated on a square foot basis during the 1993 development charge update.

1.4 Infill Development

It is perceived by some that a lower development charge or no charge at all should be provided for infill development. Many Regional services such as Police, Administration, etc. are measured on a Region-wide basis and as such, provide benefit throughout the municipality. Other services such as Sewers, Water and Roads have elements of both Municipality-wide and area specific benefits. In an area which may experience infill development, the local sewer or water systems may be in place to accommodate the development. Outside the immediate area, the Area, City-wide and Region-wide systems are predominantly capacity based and as such, are impacted by all development forms. As well, infill development can impact upon local systems if, over time, the capacity of the services has diminished from its rated capacity because of corrosion or partial blockage. In this instance, additional usage caused by infill development can require replacement of the local mains to accommodate the growth.

Recommendation

That infill development be required to pay the same development charge as other forms of development.

1.5 Uniform vs. Site Specific Charges

Development charges should be uniform, rather than varying with the results of individual negotiations. It is appropriate to employ uniform, municipal-wide levies where the municipality is seeking to provide a uniform standard of service based on a uniform tax and rate structure. There may, however, be additional items (e.g. storm drainage) where it is appropriate to calculate a component of the charge on an area specific basis. As well, there may be instances where there are areas which have the necessary infrastructure available to service development (new or

redevelopment); hence there may be instances where area-specific charges may be fairer or more representative of the cost of development.

Recommendation

That the policy of uniform charges versus area-specific charges for Regional services be further pursued during the 1993 development charge policy update.

1.6 Pre-June, 1990 subdivision Agreements

The Region's present policy is to not impose increased development charges on subdivisions, condominiums, severances or service agreements entered into prior to June, 1990 (the time when the Region adopted its Development Charge By-law). The Act provides that the charge may be imposed if the development of the land increase the need for services. Primarily, the increase in the need for services will occur upon a building being placed on the land. Hence, a charge should be imposed at this time. Any prior payments or services provided would be recognised as a credit against the charge payable under the prevailing by-law. It should be noted that these may be conditions in some agreements which could restrict the imposition of the development charge. Hence, interpretation of individual agreements should be based upon a review of those agreements relative to Section 14 of the Act. From an equity standpoint, this category of land should be treated (if possible) similarly to other land owners (i.e. post June 1990 subdividers) and be required to pay the current development charge.

Recommendation

That, in conjunction with the 1993 development charge update and by-law, the exemption for pre-June, 1990 subdivision agreements be discontinued. Individual agreements should be reviewed relative to Section 14 of the Development Charges Act. Further, that any payments or services provided within those agreements be recognised as a credit against the development charge payable.

SUMMARY AND RECOMMENDATIONS (Cont'd)

1.7 Farm Exemptions

The issue of farm property exemptions has been reviewed by other Ontario municipalities. Problems have been experienced in defining a farm resulting from the varied uses which can occur on agricultural property. These uses often include residential unit(s), crop cultivation, dairy and poultry breeding but may also include food processing, retail, light manufacturing, etc. Uses of the land therefore are both of a residential and non-residential nature and may include both primary and secondary farm activities. Some municipalities in Ontario have provided exemptions for growth-related non-residential farm buildings but problems have been experienced relative to what a bona fide farm is defined as. Some municipalities have provided an exemption of an amount of square footage of non-residential farm buildings to which, growth-related buildings constructed in excess of this would be eligible to pay the development charge.

Recommendation

That residential dwellings constructed on farm land continue to pay the appropriate development charge. With respect to other non-residential buildings constructed on farmland, a policy should be prepared during the 1993 Development Charge update, to provide an exemption to the development charge for a maximum square footage limit on the property to which, growth-related buildings constructed which exceed this limit, will be required to pay the non-residential charge.

1.8 Institutional Exemptions

Other than the mandatory exemption for the local government sector (including boards and commissions) and the school boards, it is the municipality's discretion to exempt institutional uses. From first principles, if the institutional development requires Regional services (sewer, water, roads, etc.), the development should pay its appropriate development charges; otherwise the exemption would constitute a form of subsidy. Some municipalities such as Halton Region, have provided exemptions for hospitals. This exemption may be premised, in part, as Halton provides capital grants to hospitals to assist in expansion facilities. Some municipalities such as

SUMMARY AND RECOMMENDATIONS (Cont'd)

Halton Region, York Region and Muskoka District have provided exemptions for places of worship. These policies have been discretionary at the will of Council.

Recommendation

That no exemptions be provided for institutional uses other than the mandatory exemption provided by the Development Charges Act.

1.9 Exemptions for Property where a building was previously located on a lot

The Development Charges Act does not provide specific direction to this occurrence. Where a building is demolished and a new building is constructed, it would appear reasonable that a credit be provided for the pre-existing building. Where a building is demolished and remains vacant for 10 to 15 years, the concept of a credit is less clear. Municipal service levels and system capacities are measured periodically. Over time, the service capacity originally allocated to a vacant lot may be absorbed within the system and hence, re-development of the lot will require additional servicing capacity. As the development charge by-law has a maximum life of five years, this would appear to be the maximum length of time to recognise pre-existing development. Most Ontario Municipalities have provided exemptions for periods of between 24 to 36 months. The Region would commence its development charge study in the third or fourth years in order to update its development charge by-law within the five year maximum period and hence should adopt an exemption policy which recognizes the Region's review period.

Recommendation

That the period to which a credit will be granted for a building or structure which previously existed on the same property be reduced from 10 years to 3 years.

SUMMARY AND RECOMMENDATIONS (Cont'd)

1.10 Definition of Residential Units

Recommendation

That the Region continue to use present residential categories and definitions for single and semi-detached dwellings, Apartment-Bachelor and one Bedroom, and Apartments - 2 Bedrooms or larger.

That the residential category of Row dwelling be discontinued and that Multiple dwelling units be implemented. Definition of this category would be similar to the following:

> "all dwelling units other than single detached dwelling, semi-detached dwelling and apartment dwellings, including mobile homes which do not require a permanent foundation."

1.11 Definition of Non-Residential Uses

Recommendation

That commensurate with the 1993 Development Charge update, the key non-residential definitions similar to the following:

"non-residential is defined as buildings or structures designed, adopted, or used for any purpose, but does not include land designed, adopted or used for residential purposes."

"Gross floor area is defined as the total area of all floors above and below grade within the exterior perimeter of a building, but does not include an area for parking and loading or for access and manoeuvring."

1.12 Conversions

The Region presently has a policy which provides that the development charge will be applicable against building conversions (residential to non-residential, non-

residential to residential) less a credit for the existing use of the building based upon the prevailing D.C. rate for that use. This policy is similar to policies adopted by most Ontario municipalities and requires an incremental payment for increased use of services.

Recommendation

That the Region's present policy for building conversions be continued.

2. Existing Financial Policies

2.1 Developer to pay for services which abut their land

Under current policy, the Region will construct (or may have constructed in the past), sewer and water projects which provide services to undeveloped land. When the property develops in the future, the Region imposes a per metre charge on the land to be developed to recover past costs incurred. This policy has been in place since the period when the primary authority to recover costs was based in the Planning Act. Under the Development Charges Act, the growth-related component of the sewer or water project can be identified. This growth-related portion can be funded from development charges.

Recommendation

That the Region estimate and incorporate the costs of services, which would otherwise be recovered under its abutting land policy, into the general development charge.

2.2 Best Efforts

The Region presently requires a development to construct sewer and water services within a plan of subdivision. At times, when services are located at the perimeter of the property which will benefit adjacent lands, the Region has assisted the subdivider to recover a portion of the services from other land owners. The costs are recovered from future benefiting lands through the establishment of a one foot (or

.3 metre) reserve. To assist the land owner, the Region agrees to use its "Best Effort" to recover a portion of these costs from future developments and direct these funds back to the original developer. This is done by including best effort clauses in the subdivision agreements. The Development Charges Act does not specifically address the use of a best effort clause. It is recommended that the costs normally recovered by the use of this clause, be recovered instead from the development charges.

Recommendation

That the Region estimate and incorporate the costs of future services which would otherwise be subject to a best effort clause, and incorporate them into the general development charge.

2.3 Local Improvement Act

The Region provides sewer and water services to areas where the local property owners have petitioned for works under the Local Improvement Act. In situations where undeveloped land adjacent to the services benefits from the servicing, the land owner is charged the local improvement rate (net of oversizing costs), plus the proportionate share of the project cost which is not recovered under the Local Improvement Act in the event he develops.

Recommendation

That the Region continue its policies with respect to emplacing services under the Local Improvement Act except in regard to recovery of the unfunded share of the local improvement cost. The growth related component of the unfunded cost should be recovered through the development charge with remaining cost being funded from rates or tax levy.

2.4 Flankage Charges

The Region imposes flankage charges for those properties which abut sewers or water services which were installed prior to the development of the property. To recover a portion of the cost of the service, the land owner is required to pay a

charge based upon the length of the property abutting the easement times a rate per foot (or metre) at the time the property is developed.

Recommendation

That the Region estimate the growth-related component of future flankage costs and that these costs be incorporated into the general development charge.

2.5 Reversed Lot Frontages

In certain instances, the Region constructs works under the Local Improvement Act which abut undeveloped lands. For planning or other reasons, the Region may register a one foot (.3 metre) reserve along the road easement (adjacent to the property) to restrict the property from accessing the service. The landowner is then required to reverse the frontage of the property and to provide road access and other servicing from another part of the property. In these instances, the development should not be required to pay for the local improvement work installed to which benefit will not be received.

Recommendation

That reversed lot frontages which have restricted access to services installed under the Local Improvement Act not be required to pay for the constructed works.

3. Methodology of Apportioning Costs

Recommendation

That the methodology for Apportioning Costs for Regional Services provided in Table S-1 be utilized as the basis for the 1993 Development Charge update.

TABLE S-1

METHODOLOGY OF APPORTIONING REGIONAL COST BY SERVICE

CATEGORIES OF MUNICIPAL SERVICES	SERVICE COMPONENTS	POSSIBLE MEASUREMENT STANDARDS	POSSIBLE ALLOCATION BASIS FOR RESIDENTIAL/NON-RESIDENTIAL
1. Sanitary Sewer Services	1.1 Treatment plants 1.2 Trunk sewers and pumping stations 1.3 Oversized locals 1.4 Other equipment and rolling stock	MOE Standards Engineering Standards Capacity Standards	• land use area • engineering usage assumptions per capita/employee/and land use
2. Water Supply Services	2.1 Purification plants 2.2 Water mains and storage 2.3 Oversized locals 2.4 Other equipment and rolling stock	MOE standards Engineering Standards Capacity Standards	• land use area • engineering usage assumption per capita/employee/and land use
3. Storm Drainage Services	3.1 Main channels and drainage trunks 3.2 Channel connections 3.3 Retention/detention ponds	MOE standards Engineering Standards Capacity Standards Conservation Authority Standards	• land use area
4. Transportation Services	4.1 Freeway, arterial and collector roads & bridges 4.2 Street signals, signs 4.3 Transit vehicles and shelters 4.4 Works, rolling stock, other equip., depots and domes 4.5 Other (eg. airports)	MTO Directives and Standards • Engineering Standards • Road capacity • Trip generation/destination	• trip generation and purpose
5. Solid Waste Management Services	5.1 Landfills 5.2 Transfer stations 5.3 Other waste disposal facilities 5.4 Collection and transfer vehicles and equipment	• waste generation per capita • MOE standards	• waste generation statistics

TABLE S-1

METHODOLOGY OF APPORTIONING REGIONAL COST BY SERVICE (Cont'd)

CATEGORIES OF MUNICIPAL SERVICES	SERVICE COMPONENTS	POSSIBLE MEASUREMENT STANDARDS	POSSIBLE ALLOCATION BASIS FOR RESIDENTIAL/NON-RESIDENTIAL
6. Police Services	6.1 Police detachments/H.Q. 6.2 Police vehicles and equipment	• sq. ft. per capita • vehicles/equipment per capita	• response destination and purpose
7. Outdoor Recreation Services (i.e. Parks and Open Space)	7.1 Development of Region-wide parks	• acres of land per capita	• establish share based upon judgement, evidence of non residential use.
8. Library Services (Wentworth County Library)	8.1 Public libraries 8.2 Library materials 8.3 Library furniture and equipment	• sq. ft. per capita • books per capita • equipment/collection value per capita	• establish share based upon judgement, evidence of non-residential use, special business collection
9. Health Services	9.1 Hospital contributions	• beds per capita • cost per bed for construction	• possible Workers Compensation vs. total care statistics
10. Social Services	10.2 Day care 10.4 Homes for the Aged	• spaces per capita • COMSOC/Ministry of Health standards	• limited non-residential use unless special programs evident which benefit non-residential uses
11. Administrative Services	11.1 Office space (all services) 11.2 Furniture, equipment & vehicles (all office services) 11.3 Growth masterplans (all services) 11.4 Interest charges (all projects)	• space per capita • furnishing/equipment per capita • employees per capita • past spending experience	• possible average of assessment, residents vs employees, and number of residential/non-residential properties.

SUMMARY AND RECOMMENDATIONS (Cont'd)

4. 20 Year Servicing Strategy

Recommendation

That, for sewer and water services, a 20 year servicing strategy be prepared which provides for both the addition of new infrastructure and for the maintenance, repair and replacement of existing infrastructure.

That the Capital Budget be expanded from a five year financial plan to a ten year financial plan.

That, Official Plan policies be prepared to guide Council and staff on how development, outside of the urban servicing area which is accessible to urban services, will be dealt with should applications for servicing be made.

That staff continue to monitor and consider market demands for major services in the preparation of the Region's servicing strategy and Capital Budget. Where requests are made for servicing which are not provided for within the Capital Budget or within the timing provided for in the Capital Budget, that staff coordinate its review based upon planning policies, servicing availability, cost/benefit analysis, financing options, etc.

5.

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1993 MAY 19

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the Planning and Development Committee meeting held 1993 May 5.

B. BUILDING COMMISSIONER/CITY SOLICITOR

By-law 81-160, Signs over Sidewalks and Highways

C. BUILDING COMMISSIONER

(a) Demolition of 1383 Upper James Street
(b) Commercial Loan Programme, 988 King Street West

D. COMMISSIONER OF PLANNING AND DEVELOPMENT

(a) Proposed Draft Plan of Subdivision 25T-92008, Sheldon Estates Subdivision, Brittania Decorating and Painting Limited, owner, to establish a draft plan of subdivision on the south side of Stone Church Road, between Garth Street and West Fifth, Sheldon Neighbourhood.

(b) Request to remove Part Lot Control for Phase III, Edan Heights Subdivision, Registered Plan No. 62M-730

(c) Proposed renaming of Gondola Street; Gourley Neighbourhood

E. SECRETARY, PLANNING AND DEVELOPMENT

Information Items

A.

Wednesday, 1993 May 5
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:	Alderman F. Eisenberger, Vice-Chairperson Alderman M. Kiss Alderman Wm. McCulloch Alderman D. Wilson Alderman B. Charters Alderman H. Merling Alderman F. D'Amico
Regrets:	Alderman D. Drury (Civic Business) Mayor Robert M. Morrow (Civic Business)
Also Present:	John Johnston, Board of Education Paul Mallard, Planning Department Bill Janssen, Planning Department Caroline Floroff, Planning Department John Sakala, Planning Department Glen Whitehouse, Planning Department Joe Lakatos, Planning Department Nina Chapple, Planning Department Eugene Chajka, Roads Department Peter Lampman, Building Department Willie Wong, Building Department Brian Allick, Building Department Rolland Karl, Traffic Department Art Zuidema, Law Department John Robinson, Building Department Tina Agnello, Secretary

1. **CONSENT AGENDA**

The Consent Agenda was approved with the inclusion of an added report regarding the Site Plan DA-93-05 as amended.

A. **ADOPTION OF THE MINUTES**

The minutes of the meeting held 1993 April 21 were approved as circulated.

REPORTS

The Planning and Development Committee recommended to Council the recommendation of the various reports in the Planning and Development Committee Agenda as follows:

B. SENIOR DIRECTOR, ROADS DEPARTMENT

Rymal Square Estates - Phase 4", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication) dated 1993 April 21:

That the City of Hamilton accept the sum of $38,556. as a cash payment in lieu of the 5% land dedication in connection with Rymal Square Estates - Phase 4, Hamilton, located between Upper Wentworth Street and Upper Sherman Avenue in the Butler Neighbourhood, being the cash payment required under Section 51 of the Planning Act.

C. ACTING SECRETARY, LACAC

Designation Recommendation - Barton Stone United Church, 21 Stone Church Road West dated 1993 April 27:

(a) That approval be given to the "Intent to Designate" Barton Stone United Church at 21 Stone Church Road West as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached hereto and marked as Appendix "A"; and

(b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

D. COMMISSIONER OF PLANNING AND DEVELOPMENT

(a) **Extension of Draft Plan Approval (25T-83004) for "Wisemount Estates" Subdivision; Lisgar Neighbourhood dated 1993 April 16:**

That the Region be requested to grant a three-year extension to the draft approval for "Wisemount Estates" Subdivision.

(b) **Site Plan Application DA-92-63, Dr. J. Y. Mah, owner, of lands at 674 Upper James Street; Bonnington Neighbourhood**

The Committee approved a recommendation dated 1993 April 26 as follows:

A. That approval be given to Site Plan Control Application DA-92-63, by Dr. Jung Y. Mah, owner of property located at No. 674 Upper James Street for redevelopment of the existing structure and property for a dental office and residence subject to the following:

(a) modification to the plans related to dimensions, notes and landscaping as marked in red on the plans; and,

(b) removal and replacement of a tree on the road allowance at a cost of $475.00 at the expense of the owner,

and further:

B. That in regard to Zoning Application ZA-92-26, the following resolution be forwarded to City Council for approval;

That Item 33.A. of the Fifteenth Report of the Planning and Development Department to City Council on 1992 August 25, respecting Zoning Application ZA-92-26 by Jung Y. Mah, for lands at 674 Upper James Street be amended as follows:

(i) amend Item 33.A.(b)(vi) by adding the following statement to the end of the sentence: - " except for the southerly 4.0 m."

(ii) add the following new clause as Item 33.A.(b)(x):

"Notwithstanding Section 18A(1)(f) of Zoning By-law No. 6593, the manoeuvring space/Aisle width for the parallel parking spaces shall be 3.00 m minimum instead of the required 3.7 m."

(c) **Departmental User Fees - Public Recirculations dated 1993 April 26:**

(a) That By-law No. 93-019, as amended by By-law No. 93-032, respecting Tariff of Fees, be amended to incorporate the following Departmental user fee:

i. Request by any applicant or agent of an Official Plan amendment and/or Rezoning application, to cancel or table a Public Meeting

- Fee per Public Notice recirculation: $250.

(b) That the City Solicitor be directed to prepare a By-law to amend By-law No. 93-019, as amended by By-law No. 93-032, to incorporate the above-noted fee, for presentation to City Council.

(d) **Site Plan Application Da-93-05, Citslap Industrial Plastics Ltd., owner of lands at 139-147 Locke Street South**

The Committee approved a recommendation dated 1993 May 4 as follows:

That approval be given to Site Plan Control Application DA-93-05 by Citslap Industrial Plastics Ltd., owner of lands at 139-147 Locke Street South, to develop a neighbourhood commercial development subject to the following:

(a) modifications to the plans related to dimensions, notes, building setback and landscaping as marked in red on the plans;

(b) submission of a revised grading plan to be prepared and certified by a Professional Engineer to the satisfaction of the Senior Director, Roads Department; and

(c) registration of the plans and agreement on title of the land.

E. BUILDING COMMISSIONER/DIRECTOR OF PUBLIC WORKS

Enforcement of By-law 84-35 with respect to Excessive Growth of Grass or Weeds dated 1993 April 21

That the Building Department, Field Services Division be authorized to implement a revised policy with respect to the enforcement of By-law 84-35, in requiring or carrying out the mowing of large, undeveloped fields or properties so that only a buffer strip of approximately 30' be required to be cut adjacent to street frontages or occupied properties. This would not include specifically-established naturalization areas within the City of Hamilton.

F. BUILDING COMMISSIONER

(a) **Various Demolition Permits:**

That the Building Commissioner be authorized to issue demolition permits for:

(a) 399 James Street North

(b) 56 Limeridge Road East

(c) 655 Rymal Road West

(d) 1523 Upper Gage

(b) **Heritage Programme:**

i. Whitehern, 41 Jackson Street West dated 1993 April 23:

That a Designated Property Grant in the amount of three thousand dollars ($3,000.) be provided to the City of Hamilton for Whitehern, 41 Jackson Street West.

ii. Dundurn Castle, 600 York Boulevard dated 1993 April 23:

That a Designated Property Grant in the amount of three thousand dollars ($3,000.) be provided to the City of Hamilton for Dundurn Castle, 600 York Boulevard.

G. SECRETARY, PLANNING AND DEVELOPMENT

Information Items

As recommended in a report dated 1993 April 30, the Committee received the following reports and correspondence for information purposes:

(a) Thank you letter from Canada Post to the Commissioner of Planning dated 1993 March 29

(b) Memo from Finance and Administration Committee to C.A.O. re: Funding of Consultant for GO Transit Centre dated 1993 March 29

(c) Correspondence from GO Transit to City Clerk re: Wheelchair accessibility of GO Transit Centre dated 1993 April 5

(d) Correspondence from GO Transit to City Clerk re: Design of GO Transit Centre dated 1993 April 5

(e) Recommendation from Director of Public Works to Transport and Environment Committee re: Bay Street North Closure dated 1993 April 8

(f) Information Report from Commissioner of Planning and Development Committee re: Approved Site Plan Control Applications dated 1993 April 27

(g) LACAC Minutes of 1993 March 15 dated 1993 April 27

(h) Information Report from Chairman, Urban Design Committee re: Hughson Street Corridor dated 1993 April 23

(i) Notice of Public Meeting on Wednesday, 1993 May 12, 7:00 p.m., 11th Floor Committee Room, 226 Rebecca Street to discuss the Proposed Closure of Cathcart Street

2. REFERRAL BACK FROM COUNCIL

Zoning Application 92-53, 1314 Upper Wentworth Street, Angello Papastamos, Owner

Alderman Merling advised that previously the Planning and Development Committee approved a butcher operation, which was to specifically not included a deli take out operation. Since then a Ward Alderman has visited the premises and found pizza and submarine operation at the location which is not permissible. Subsequently an order to comply has been issued.

Mr. Papastomos was present and advised that he would cease the selling of pizza and submarines.

After brief discussion the recommendation of the Commissioner of Planning and Development as amended was forwarded to Council for consideration:

That approval be given to Zoning Application 92-53, 518374 Ontario Limited, (Angello Papastamos), owner, requesting a further modification to the established "AA" (Agricultural) District regulations, to permit a butcher shop as an additional permitted use within the existing building, on property located at No. 1314 Upper Wentworth Street, as shown on the attached map marked as Appendix "B", on the following basis:

(a) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, as amended by By-law No. 92-075, applicable to the subject lands, be further amended as follows:

i. That Section 1.(a)(i) Commercial Uses, of By-law 92-075 be amended by adding the words "including an accessory butcher shop" after "a retail variety store" so that the Section reads as follows:

"(i) Commercial Uses:

1. a retail variety store including an accessory butcher shop;

2. a business and professional person's office,

within the building existing on the day of the passing of this by-law;"

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1158a, and that the subject lands on Zoning District E-18C be notated S-1158a;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council;

(d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(e) That the By-law be held in abeyance pending compliance of the order to comply to the satisfaction of the Building Commissioner.

3. ZONING APPLICATION 91-59, 29 SEVERN STREET (PREVIOUSLY TABLED)

Paul Mallard advised that this item was previously tabled to allow staff to complete computer graphics of the site. 3 options were shown to the Committee: 1) The applicant's proposal with a flat facade, 2) the Planning Department's proposal with dormers and 3) the Planning Department's preferred proposal with dormers and an increase in the second storey setback.

Leo Cascioli, applicant and Nick DiFillipis were present in support of the application and agreed with the Planning Department's preferred option.

Subsequently the Committee recommended to Council as follows:

That approval be given to amended Zoning Application 91-59, Leo Cascioli, owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit the development of the subject lands for a four (4) storey, 5 unit multiple dwelling, for the property located at 29 Severn Street, as shown on the attached map marked as Appendix "C", on the following basis:

(a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

i. That notwithstanding Section 14.(1) of Zoning By-law No. 6593, a multiple dwelling consisting of five (5) dwelling units shall be permitted;

ii. That Section 14.(3)(ii)(a) of Zoning By-law No. 6593 shall not apply to the northerly lot line;

iii. That notwithstanding Section 14.(3)(ii)(a) of Zoning By-law No. 6593, a side yard of a width of at least 1.2 m shall be provided and maintained along the southerly lot line;

iv. That notwithstanding Section 14.(3)(iii)(a) of Zoning By-law No. 6593, a rear yard depth of at least 6.2 m shall be provided and maintained;

v. That notwithstanding Section 18A (1) of Zoning By-law No. 6593, not less than three (3) parking spaces shall be provided and maintained on the lot;

vi. That Section 18A (1)(c) of Zoning By-law No. 6593 shall not apply; and,

vii. That a landscaped area of not less than 25% of the lot area shall be provided and maintained at grade;

viii. That a front yard not less than 5.0 m in depth shall be provided and maintained for any portion of the building above two (2) storeys in height;

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1310, and that the subject lands on Zoning District Map W-3 be notated S-1310;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-3 for presentation to City Council; and,

(d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

4. ACTING SECRETARY, LACAC

52 James Street South, former Bank of Montreal Building - Request for sign location from Hamilton Tiger-Cat Football Club - Delegation Ed Valtenbergs

Mr. Saltmarsh was present on behalf of Mr. Michaluk.

Alderman McCulloch stated that he does not want a precedent set to allow signs to be placed on historic buildings Alderman Wilson concurred.

Mr. Saltmarsh stated that the owner of the building has consented to the sign. He showed the members of the Committee photos of the wall where he wishes the "paw print" sign to be placed. There presently exists a leasing sign on that wall.

To this regard Nina Chapple advised that the leasing sign is permissible because it is relevant to the building and is not a third party sign.

In response to a questions from Alderman Kiss, Mr. Saltmarsh advised that the Ti-Cat Club cannot afford to place signs on billboards.

As recommended in a report dated 1993 April 26, the Committee recommended to Council as follows:

> That the request to place a 12' square hardboard sign on the former Bank of Montreal's west (rear) facade from the Hamilton Tiger-Cat Football Club be denied for the reasons that the building is designated under the Ontario Heritage Act and that the Ontario Heritage Foundation holds a heritage easement on the property.

5. BUILDING COMMISSIONER

Request for Demolition Permit - 24 Victoria Avenue North, Louis Serafini

Peter Lampman advised that the applicant owns two lots side by side on which there are buildings that he would like to demolish at the same time. The Buildings are presently being vandalized.

As recommended in a report dated 1993 April 27, the Committee recommended to Council as follows:

> That the requirement for the owner to obtain a building permit prior to release of the demolition permit be lifted and that the Building Commissioner be authorized to issue a demolition permit for 24 Victoria Avenue North.

6. COMMISSIONER OF PLANNING AND DEVELOPMENT

(a) **City Initiatives - Authorization for Public Meetings**

i. **City Initiative 91-H, respecting landscaping requirements for public parking lots - authorization for a Public Meeting**

Joe Lakatos explained that the City initiative will attempt to address problems which exist in the downtown core. Recommendations for improvements include the following:

- 3m landscape strips adjacent to the road allowance
- 1.5m landscape strips with visual barriers adjacent to residential buildings
- that licencing approval be held in a abeyance to submission of site plans.

In response to a question from Alderman Charters, Mr. Lakatos explained that the report recommendations not be retroactive.

Alderman McCulloch suggested that funding programs be used to assist existing owners of parking lots to make improvements. Paul Mallard advised that programs such as P.R.I.D.E. can be investigated.

Bill Janssen advised that a neighbourhood planning review is being undertaken by the Planning Department for Central Beasely, Stinson and Corktown which will include cost sharing agreement with property owners.

As recommended in a report dated 1993 April 19, the Committee resolved as follows:

That the Planning and Development Committee give authorization to hold a Public Meeting to consider proposed changes to Zoning By-law No. 6593 respecting the location of townhouse development.

ii. **City Initiative 91-I, respecting mobile signs - authorization for an Open House/Public Meeting**

Caroline Floroff gave a visual presentation of the mobile signs and illustrated various hazards associated with the signs which are frequently placed on the public road allowance.

She advised that the recommendations are not to eliminate the signs but to place limitations and restrictions on this. Presently, signs are investigated on a complaint basis.

As recommended in a report dated 1993 April 22, the Committee resolved as follows:

That the Planning and Development Committee direct staff to hold an Open House/Public Meeting regarding "mobile signs" and that the appropriate public notice be given.

iii. **City Initiative 93-A, review of multiple dwelling Districts - authorization for a Public Meeting**

Paul Mallard advised that because the City Zoning by-laws are "pyramidal", that is, lower density uses can be built in certain zoning such as E-2, this causes problems.

As recommended in a report dated 1993 April 19, the Committee resolved as follows:

That the Planning and Development Committee give authorization to hold a Public Meeting to consider proposed changes to Zoning By-law No. 6593 respecting the location of townhouse development.

PUBLIC MEETINGS

7. **Zoning Application 93-06 Ashok Kumar, owner for a modification to the established "M-11" District regulations, for property located at No. 1157 Rymal Road East; Rymal Neighbourhood**

Mr. Ashok Kumar was present in support of his application.

Paul Mallard advised that of 147 notices circulated, five people replied in favour and 8 were opposed. The application is to permit the establishment of a billiard parlour. The closest residential area in were then 800 ft. away. The Planning Department supports the application.

Alderman Wilson was concerned because the M districts are experiencing too many modifications. Alderman Charters concerned and stated that the number of tables should be controlled.

Paul Mallard explained that when the M District was zoned it was understood that site specific amendment would be required. He added that the square footage of the billiard parlour can be limited.

Alderman Eisenberger stated that there should not be concern regarding the application since video establishments are located in these districts. He questioned why billiards should not be permitted.

A motion was placed on the floor to deny the application and was lost.

As recommended by the Commissioner of Planning and Development in a report dated 1993 April 19 the Committee recommended to Council as follows:

> That approval be given to Zoning Application 93-06, Ashok Kumar, owner, requesting a modification to the "M-11" (Prestige Industrial) District regulations to permit a billiard parlour, on lands at 1157 Rymal Road East, as shown on the attached map marked as Appendix "D", on the following basis:
>
> (a) That the "M-11" (Prestige Industrial) District regulations, as contained in Section 17C of Zoning By-law No. 6593, be modified to include the following variance as a special requirement:
>
> i. Notwithstanding Section 17C(1)(c), a billiard parlour shall be permitted.
>
> (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1311, and that the subject lands on Zoning District Map E-59D be notated S-1311;
>
> (c) That the City Solicitor be directed to prepared a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council; and,
>
> (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

8. **COMMISSIONER OF PLANNING AND DEVELOPMENT (CONTINUED)**

(b) **Site Plan Control:**

i. Review of Enforcement

John Sakala advised that a survey of other municipalities shows that most municipalities require a letter of credit or some other type of security to ensure that work required in the site plan is completed.

The City of Hamilton has experienced problems with such things as landscaping, fencing, curbing which are not completed to the site plan specifications.

As recommended in a report dated 1993 April 27, the Committee recommended to Council as follows:

> That in regard to projects approved under Site Plan Control, that securities be included as a condition of approval of the applications and that staff of the Planning and Development and Roads Departments be directed to establish a procedure for collection and appropriate releasing of funds from such securities and that the "Undertaking" on the plans be appropriately modified to recognize the required securities.

ii. **Preparation of submitted plans by qualified professionals**

John Sakala stated that many plans which are presently submitted, are incomplete and require additional information. Staff spends a great deal of time correcting and drafting these plans for the applicants. There is also a lack of accountability. Minor projects which do not require complicated plans will be exempt. Mr. Sakala added, that in many cases stamped plans are required at the building permit stage.

With regard to accountability, Mr. Chajka advised that professional people can be held accountable through their profession.

A discussion ensued regarding the point at which plans should be prepared by professionals and city staff subjectivity to this regard.

Subsequently, as recommended in a report dated 1993 April 28 the Committee recommended to Council as follows:

> That City Council adopt the following policy related to professional requirements in the preparation of plans submitted for Site Plan Control Processing:
>
> (a) That where development includes structures and/or buildings submitted for approval under Site Plan Control, and being consistent with the Ontario Building Code, and the Ontario Architects Act, the plans must be prepared and stamped by an architect or engineer, except for minor projects determined by the Director of Local Planning.
>
> (b) That where development includes grading and landscape plans submitted for approval under Site Plan Control, the plans must be prepared and stamped by a qualified professional architect, engineer, or landscape architect, except for minor projects determined by the Director of Local Planning.

9. **URBAN DESIGN COMMITTEE**

GO Transit Layover Yard

Alderman McCulloch explained that since there was no money to hire a consultant to do a study on the station, Planning staff will be providing comments on the station. The Chief Administrative Officer is aware of the proposals for the layover yard.

As recommended in a report dated 1993 April 29, the Committee recommended to Council as follows:

> That the City of Hamilton name its Chief Administrative Officer as its liaison person with GO Transit and that he be asked to report to each meeting of your Committee on the status of GO Transit's activity and the nature of its interaction with the residents of the abutting neighbourhoods.

10. OTHER BUSINESS

(a) Alderman Wilson explained that a war veteran was shingling his roof and was approached by an inspector to pay $150. for a building permit.

Mr. Wong said that the Building Commissioner is preparing a report to reduce the base permit from $150. to $75.

Alderman Merling stated that 10 years ago the fee was only $5. The reason for the base permit fee is to ensure that the roofs are safe. Presently, we charge $150. and the inspection doesn't visit the site.

(b) The Committee moved in camera to discuss legal matters and reconvened immediately thereafter with no report.

11. ADJOURNMENT.

There being no further business the Committee meeting adjourned.

TAKEN AS READ APPROVED,

ALDERMAN F. EISENBERGER, VICE-CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello
Secretary
1993 May 5

REASONS FOR DESIGNATION

Barton Stone United Church

21 Stone Church Road West

Context

Built in 1845-7 on the main road from Hamilton to Caledonia, just north of the hamlet of Ryckman's Corners, Barton Stone United Church now stands at the busy intersection of Upper James and Stone Church Road West. Encroaching commercial and residential development as well as increasing traffic have dramatically changed its rural setting in recent years. The green open space of the adjacent cemetery, with its peaceful atmosphere, wide variety of grave markers, and several trees, complements the church building and provides a welcome buffer to the south.

Historical Significance

Barton Stone United Church has the distinction of being the oldest building to have continuously served as a Presbyterian (and later United) Church within the present-day boundaries of the City of Hamilton. It also has direct ties with the first Presbyterian congregation in this area, founded in 1811 by William Rymal, one of the earliest settlers in Barton Township. The two-storey frame meeting house, which he had built adjoining the cemetery plot on the eastern border of his farm (now St. Peter's Cemetery on Mohawk Road West), was shared by two congregations (initially Lutherans and Presbyterians and later Anglicans and Presbyterians) and was thus named Barton Union Church. When this building was condemned as unsafe in 1844 and later demolished, each denomination erected its own stone church at separate locations: Barton Presbyterian (now Barton Stone United) and St. Peter's Anglican, built in 1852-3 near the site of the original church and demolished in 1922.

Served for almost fifty years by itinerant pastors, Barton Presbyterian obtained its first settled minister in 1886, shared with the Locke Street Presbyterian Church. Shared arrangements with other churches continued until 1920, when the minister of Barton Wesley Methodist Church was engaged and the congregation joined with Barton Presbyterian, formally merging in 1922. Three years later the congregation became part of the United Church of Canada (formed in 1925) and was then renamed Barton Stone United Church.

Architecture

Barton Stone United Church is an architectural landmark on Hamilton's Mountain, where it is the oldest surviving church, and reputedly the only remaining 19th century church building. Moreover, it ranks as one of the oldest stone buildings and possibly the earliest church still standing in the present-day City of Hamilton.

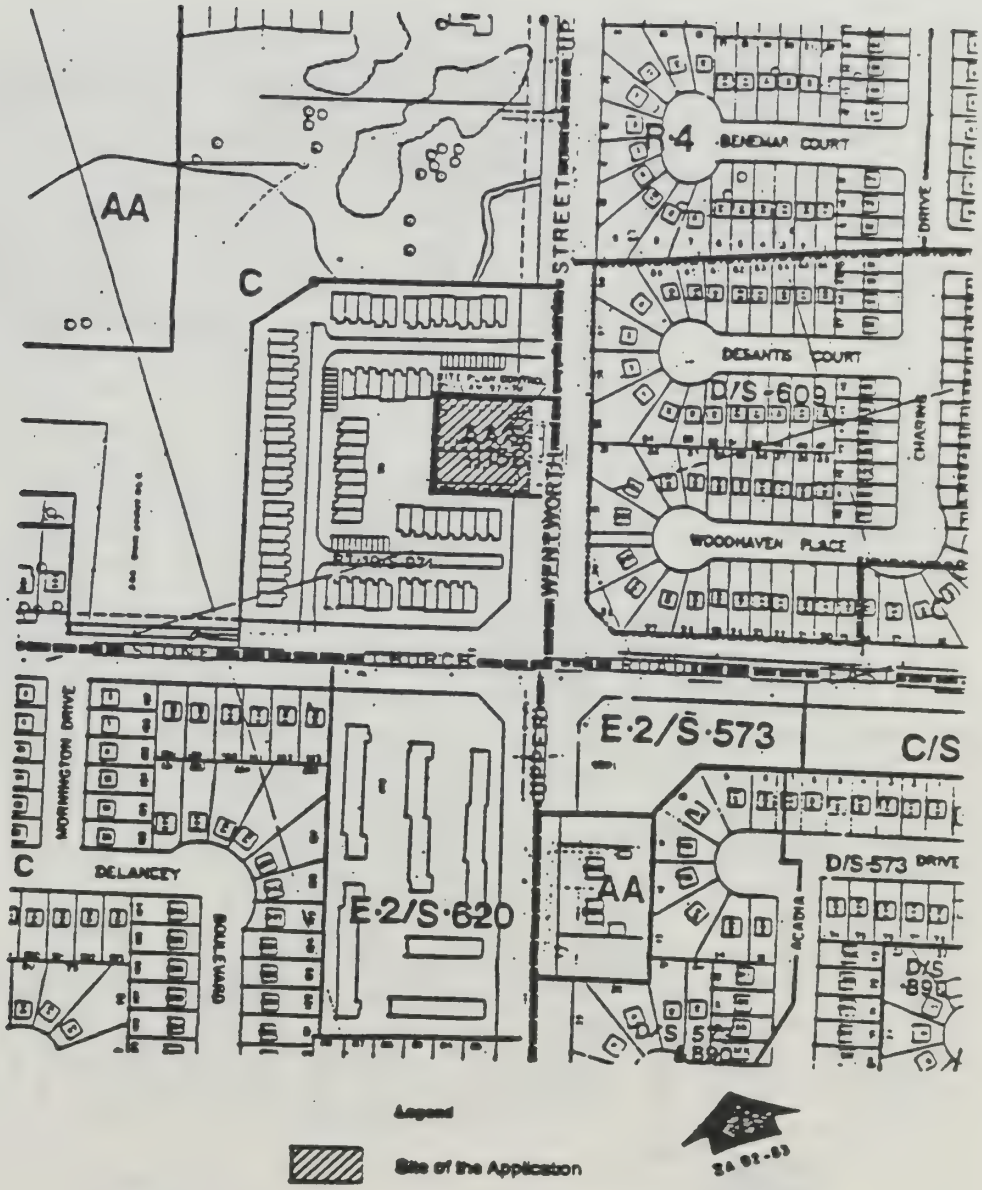
The original church, a modest vernacular building, is noteworthy for its rubblestone construction, pleasing proportions and Gothic Revival detailing. The simple front facade, unusual for its absence of fenestration, features a pointed arched doorway with double panelled wood doors and a solid wood transom. On the south and north walls, seven of the eight original window bays with paired lancet windows set in rectangular frames are still intact. The one at the eastern end of the south wall was recently altered by the removal of the lower half of the window and stone masonry below to install double fire doors (thereby allowing the permanent closure of the original front doorway facing Upper James).

The existing rear stone addition was built in 1972 to house the church offices, choir room, vestry, and a new main entrance facing the parking lot to the west. It replaced two earlier additions: the Sunday School room added to the west end in 1916 and a larger hall built to replace it in 1937. The Sunday School function is now accommodated within the Christian Education Building erected in 1957 on the west side of the church property facing Stone Church Road.

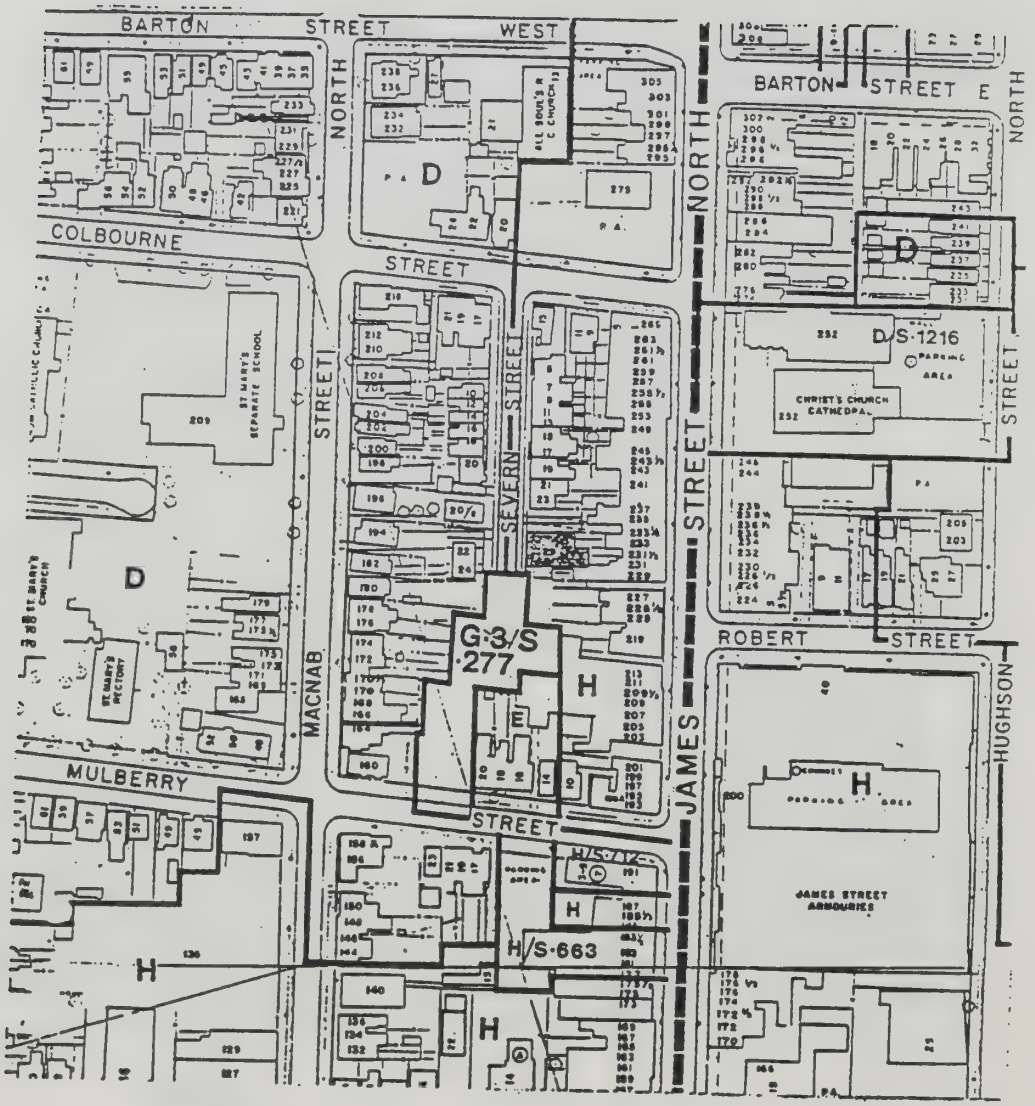
Designated Features

Important to the preservation of Barton Stone United Church are the original exterior features of the east, south and north facades of the 1847 building, including the stone masonry, the original main doorway, and the original windows on the north and south facades (excluding the new fire doors).

Appendix "B" as referred to in Section 2 of the Minutes of The Planning and Development Committee Meeting held 1993 May 5



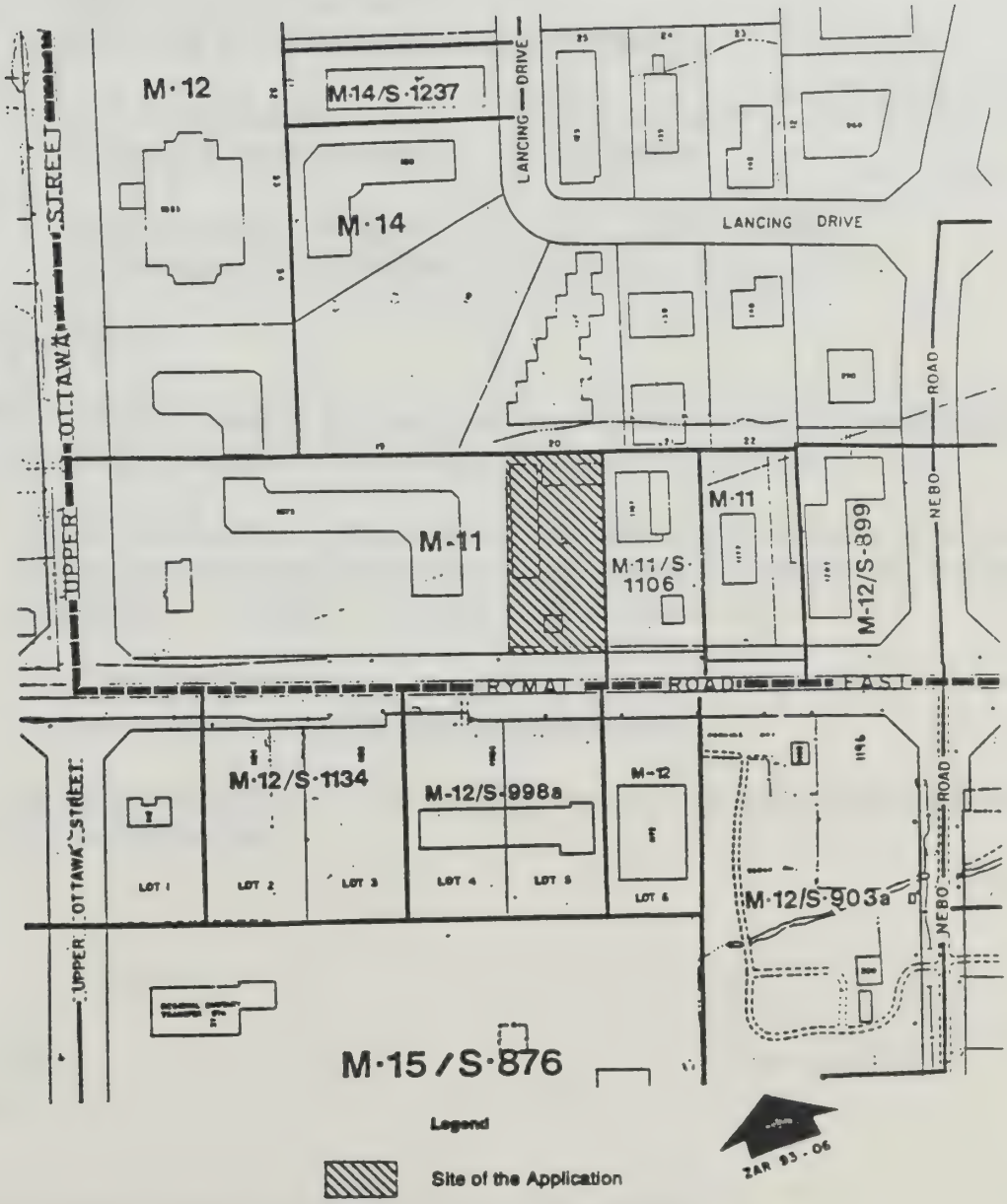
Appendix "C" as referred to in Section 3 of the Minutes of The Planning and Development Committee Meeting held 1993 May 5



Legend

Site of the Application

Appendix "D" as referred
in Section 7 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 May 5



B.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: May 13, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L. C. King, P.Eng.
Building Commissioner

P. Noé Johnson
City Solicitor

RECEIVED
MAY 1 3 1993
CITY CLERKS

SUBJECT: RESPECTING BY-LAW 81-160, SIGNS OVER SIDEWALKS AND HIGHWAYS (93.2.4.2.1.A, 93.1.6.)

RECOMMENDATION:

a) That City Council enact a by-law to amend By-law #81-160 regulating Signs over Sidewalks and Highways to provide for the following:

   i) To amend Section 8 by deleting "display sign structure" and add the words "display sign and sign structure" to coincide with definitions contained in Section 1.(d) and 1.(e) of the By-law.

   ii) To amend Section 9 regarding penalty to comply with the requirements of the Provincial Offences Act.

b) That the City Solicitor be directed to prepare the appropriate by-law for Council's consideration.

L.C. King, P.Eng.
LCK/BDA/sb
Encl.

P. Noé Johnson

FINANCIAL/STAFFING/LEGAL IMPLICATION: See below

BACKGROUND:

In attempting to enforce the above referenced by-law, it has come to our attention that the reference in Section 8.(1) of the by-law to a "display sign structure" does not coincide with definitions contained in Section 1.(d) (display sign) and 1.(e) (sign structure), two separate definitions.

...2

By-Law #81-218 also contains a penalty section that should be amended due to changes to the Municipal Act . This authority now falls under the Provincial Offences Act. Section 9, the penalty section, has to be amended further to comply with the requirements of the Provincial Offences Act which ascribes the maximum fine at $5,000.

The following are the proposed changes incorporated into the amending By-law:

a) Section 8.(1) of By-Law 81-160 by adding the words "display sign and sign structure" and;

b) Section 9 of the by-law regarding penalty to comply with the requirements of the Provincial Offences Act.

With these revisions and the necessary amendments to the forms, it is felt that enforcement of the by-Law would be possible.

Ca)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: May 10, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED
MAY 11 1993
CITY CLERKS

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1383 UPPER JAMES STREET - Tag Number 89065
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1383 UPPER JAMES STREET.

L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: **N/A**

BACKGROUND:

PRESENT ZONING: **HH-H/S-1091**

PRESENT USE: **Single Family Dwelling**

PROPOSED USE: **Commercial Retail Furniture Store**

BRIEF DESCRIPTION: **1½ storey wood frame house**

Demolish wood frame house for new commercial development. No LACAC interest. Lot size 118' x 581'. The present zoning permits the proposed use.

The owner of the property as per the demolition permit is:

T & R Riccio Developments
RR #10
Brampton, Ontario

Cb)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: May 11, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

RECEIVED
MAY 1 1 1993
CITY CLERKS

SUBJECT: COMMERCIAL LOAN PROGRAMME
988 KING STREET WEST (93.2.4.2.1.A)

RECOMMENDATION:

That a Commercial Loan in the amount of ten thousand dollars ($10,000) be approved for John and Helen Mouskos. The interest rate will be 3 per cent, amortized over 10 years.

L.C. King, P.Eng
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 988 King Street West has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Westdale Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Facade Loan to John and Helen Mouskos for improvements to 988 King Street West in the amount of $10,000. The loan will be amortized over a 10 year period at 3 per cent interest. The monthly payments will be $96.56 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

D a)

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
MAY 11 1993
CITY CLERKS

DATE: 1993 May 11
(Regional File 25T-92008)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Proposed Draft Plan of Subdivision, "Sheldon Estates".

RECOMMENDATION:

a) That approval be given to application 25T-92008, Sheldon Estates, Brittania Decorating and Painting Limited, owner, to establish a draft plan of subdivision, on the south side of Stone Church Road, between Garth Street and West Fifth Street, subject to the following conditions:

1. That this approval apply to the plan, as revised in red, prepared by A.T. McLaren Limited, drawing number 25454 dated July 7, 1992 showing 22 lots for single family dwellings, a block for future residential purposes and a block for a 0.3m reserve.

2. That Lots 4 to 11 (inclusive) not be developed until the lands to the east have been registered under a plan of subdivision or a suitable storm and sanitary sewer outlet can be made available either, through the lands to the east, or alternatively, from Chesley Street, through an optional connection designed to the satisfaction of the Commissioner of Transportation/Environmental Services.

3. That the Owner acquire the necessary lands to establish the road allowance along the flankage of Lot 19 and the frontage of Lots 20 to 22 (inclusive) to its full width and that these lands be incorporated into the Final Plan of Subdivision or, alternatively, transferred to the City of Hamilton so that they be opened by By-law prior to registration of the Final Plan of Subdivision.

4. That the lands required for the road allowance adjacent to the flankage of Lot 17 and the frontage of Lot 18 and 19 be established to its full width prior to

registration of the Final Plan of Subdivision.

5. That Block 23 be developed only in conjunction with the adjacent lands to the north.

6. That the portion of the road allowance bulb adjacent to Lots 21 and 22 which is within the limits of the subdivision be shown on the Final Plan as a separate Block and dedicated to the City of Hamilton as a public highway.

7. That the Owner acquire sufficient lands on the west side of Chesley Street (1.032 metres) and sufficient lands on the east side of Chesley Street (3.00 metres) to establish the road allowance on Chesley Street at 24.032 metres for a distance of approximately 78 metres, which distance is to coincide with the side lot lines of Lots 2 and 3 on the east side and Lot 13 and Block 23 on the west side of Chesley Street.

8. That the Owner acquire the necessary lands to establish a 7.50m x 7.50m daylight triangle at the widened limits of Chesley Street and Stone Church Road West, on both the east and west side of Chesley Street.

9. That the Owner acquire sufficient lands to dedicate a 5.18m strip of land to the Region for road widening purposes on Stone Church Road West between the limits of the two daylight triangles where they intersect Stone Church Road West, (see attached plan).

10. That the owner establish a 2.0m x 2.0m daylight triangle on the corner of Lot 17 at the L-shaped bend in the road.

11. That Chesley Street, south of Stone Church Road West, align centreline to centreline with the existing portion of Chesley Street north of Stone Church Road West.

12. That the Owner be required to enter into subdivision agreements with both City of Hamilton and the Region prior to the development of any portion of these lands.

13. That the Owner pay the full cost of municipal services on both sides of the roadway, less any oversizing, for above ground and below ground works installed on Chesley Street from Stone Church Road southerly, to the south limit of "Sheldon Estates" subdivision.

14. That the final plan not be approved until such time as municipal sewers, water and adequate road access are available to service the lands.

15. That the streets be dedicated as public highways on the final plan to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-

Wentworth.

16. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

17. That the final plan conform with the Zoning By-law approved under the Planning Act.

18. That such easements as may be provided for utility or drainage purposes be granted to the appropriate authority.

19. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the total area in the final plan.

20. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

21. That any dead-ends or open sides of the road allowances created by the final plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and held by the City until required for future extension of the road allowances.

22. That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

23. That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-92008), Brittania Decorating and Painting Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and

c) That the Regional Commissioner of Planning and Development be advised of Council's decision.

J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

V.J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

Brittania Decorating and Painting Limited (G. Bozzo, President), Hamilton, Ontario.

Agent and Surveyor:

A.T. McLaren Limited, Hamilton, Ontario.

Location:

The lands, comprising 1.722 hectares, are located on the south side of Stone Church Road, between Garth Street and West Fifth Street in the Sheldon Neighbourhood, City of Hamilton.

Proposal:

The owner is proposing to subdivide the lands into 22 lots for single family dwellings and a Block for future residential purposes.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan - The lands are within the "Urban Policy Areas" and identified as Residential & Related Uses. The proposal complies.

City of Hamilton Official Plan - The lands are designated "Residential". The proposal complies.

Neighbourhood Plan - The lands are designated for single and semi-detached units. The proposal complies.

Zoning - The lands are zoned "C" (Urban Protected Residential, etc.) District which would permit the development of the proposed subdivision.

COMMENTS FROM CIRCULATION:

The following agencies were circulated and have advised that they have either no comments or objections to the approval of the proposed plan of subdivision:

- Ontario Hydro, Union Gas and Bell Canada;
- Hamilton Board of Education;
- City of Hamilton Building Department.

The Hamilton-Wentworth Roads Department submitted the following comments and recommendations:

"For Information:

(1) Public watermains are available on Stone Church Road West to service all the lands within the proposed draft plan of subdivision.

(2) Public storm and sanitary sewers are available on Stone Church Road West to service Lots 1 to 3 (inclusive) and Lots 12 to 22 (inclusive) of the proposed draft plan of subdivision. Public storm and sanitary sewers are not yet available on the lands to the east to service Lots 4 to 11 (inclusive) of this plan. For the information of the applicant, the preferred direction for gravity sewer flows along Street "A" is to the east, however, an option could be to service Lots 4 to 11 (inclusive) from Chesley Street, provided that this option is feasible from an engineering point-of-view.

(3) The Region will not be cost sharing for sewers and watermains within this development as there are no oversized services required for these lands.

(4) As the applicant may be aware, the intersection of Stone Church Road West and Chesley Street has been identified as a possible intersection for signalization at some future date. With the anticipated development of a City park to the south, sufficient right-of-way width of Chesley Street must be acquired at this time to ensure that the City can construct this roadway to our typical mid-block street cross-section should this be required in the future. Land requirements are noted below as recommendations for approval.

(5) The development of Lot 22 shown on the plan will result in a driveway overlap at Lot 21 due to insufficient frontage on the future street, which is not acceptable. We suggest that this matter be resolved prior to registration of the final plan of subdivision.

(6) Comments from the respective emergency agencies with respect to development phasing and access should be considered.

Recommendations:

(1) That Lots 4 to 11 (inclusive) not be developed until the lands to the east have been registered under a plan of subdivision or a suitable storm and sanitary sewer outlet can be made available either, through the lands to the east, or alternatively, from Chesley Street, through an optional connection designed to the satisfaction

of the Commissioner of Transportation/Environmental Services.

(2) *That the Owner acquire the necessary lands to establish the road allowance along the flankage of Lot 19 and the frontage of Lots 20 to 22 (inclusive) to its full width and that these lands be incorporated into the Final Plan of Subdivision or, alternatively, transferred to the City of Hamilton so that they be opened by By-law prior to registration of the Final Plan of Subdivision.*

(3) *That the lands required for the road allowance adjacent to the flankage of Lot 17 and the frontage of Lot 18 and 19 be established to its full width prior to registration of the Final Plan of Subdivision.*

(4) *That Block 23 be developed only in conjunction with the adjacent lands to the north.*

(5) *That the portion of the road allowance bulb adjacent to Lots 21 and 22 which is within the limits of the subdivision be shown on the Final Plan as a separate Block and dedicated to the City of Hamilton as a public highway.*

(6) *That the Owner acquire sufficient lands on the west side of Chesley Street (1.032 metres) and sufficient lands on the east side of Chesley Street (3.00 metres) to establish the road allowance on Chesley Street at 24.032 metres for a distance of approximately 78 metres, which distance is to coincide with the side lot lines of Lots 2 and 3 on the east side and Lot 13 and Block 23 on the west side of Chesley Street.*

(7) *That the Owner acquire the necessary lands to establish a 7.50m x 7.50m daylight triangle at the widened limits of Chesley Street and Stone Church Road West, on both the east and west side of Chesley Street.*

(8) *That the Owner acquire sufficient lands to dedicate a 5.18m strip of land to the Region for road widening purposes on Stone Church Road West between the limits of the two daylight triangles where they intersect Stone Church Road West, (see attached plan).*

(9) *That the owner establish a 2.0m x 2.0m daylight triangle on the corner of Lot 17 at the L-shaped bend in the road.*

(10) *That Chesley Street, south of Stone Church Road West, align centreline to centreline with the existing portion of Chesley Street north of Stone Church Road West.*

(11) *That the Owner pay the full cost of municipal services on both sides of the roadway, less any oversizing, for above ground and below ground works installed on Chesley Street from Stone Church Road southerly, to the south limit of "Sheldon Estates" subdivision.*

(12) That the Owner be required to enter into subdivision agreements with both City of Hamilton and the Region prior to the development of any portion of these lands.

The submitted plan as prepared by S. D. McLaren, O.L.S. and stamped with the date 1992 July 31, is satisfactory to the Transportation/Environmental Services Group subject to the above noted comments and recommendations."

The City of Hamilton Traffic Department submitted the following comments:

"The Sheldon and Mewburn West Neighbourhood Plan was approved by City Council on 1992 May 26. The proposed southerly extension of Chesley Street will provide access to the proposed baseball stadium/park facility. As a result, the intersection of Chesley Street and Stone Church Road may, in future, be signalized. The Regional Engineering Department will require the dedication of lands for the purpose of establishing the road allowance for channelization of the intersection. We find the plan of subdivision to be satisfactory subject to the required lands being dedicated to the Region. The applicant should be advised to contact the Roads Department in regard to this matter."

"We concur with the Roads Department's request that Lot 22 be developed in conjunction with the lands to the north and west only. The development of Lots 21 and 22 as shown on the plan will result in driveways overlapping within the boulevard area. In order to avoid the potential of driveways overlapping, we recommend that the lot lines be adjusted to the satisfaction of the Traffic Department."

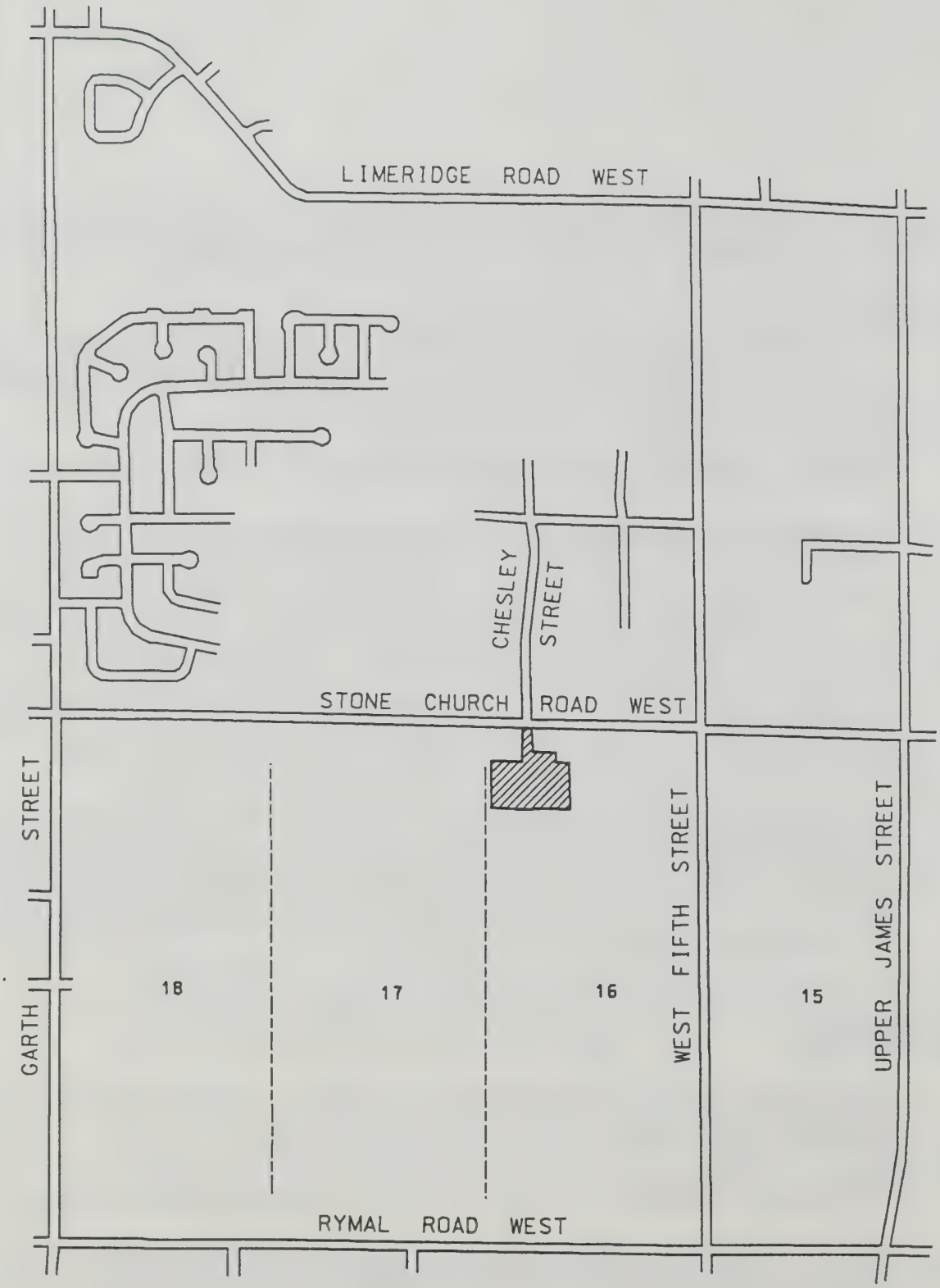
COMMENTS:

1. The proposal complies with the Sheldon and Mewburn Neighbourhood Plan and the Hamilton Official Plan.

2. There were no objections received as a result of the circulation of the proposal.

3. Since the lands to the south are proposed for park purposes, a cash payment in lieu of the conveyance of 5% of the land should be collected in accordance with Section 51(8) of the Planning Act.

4. A revision "in red" is being recommended by the Roads Department to accommodate the future possible widening and signalization of Chesley Street at Stone Church Road West.

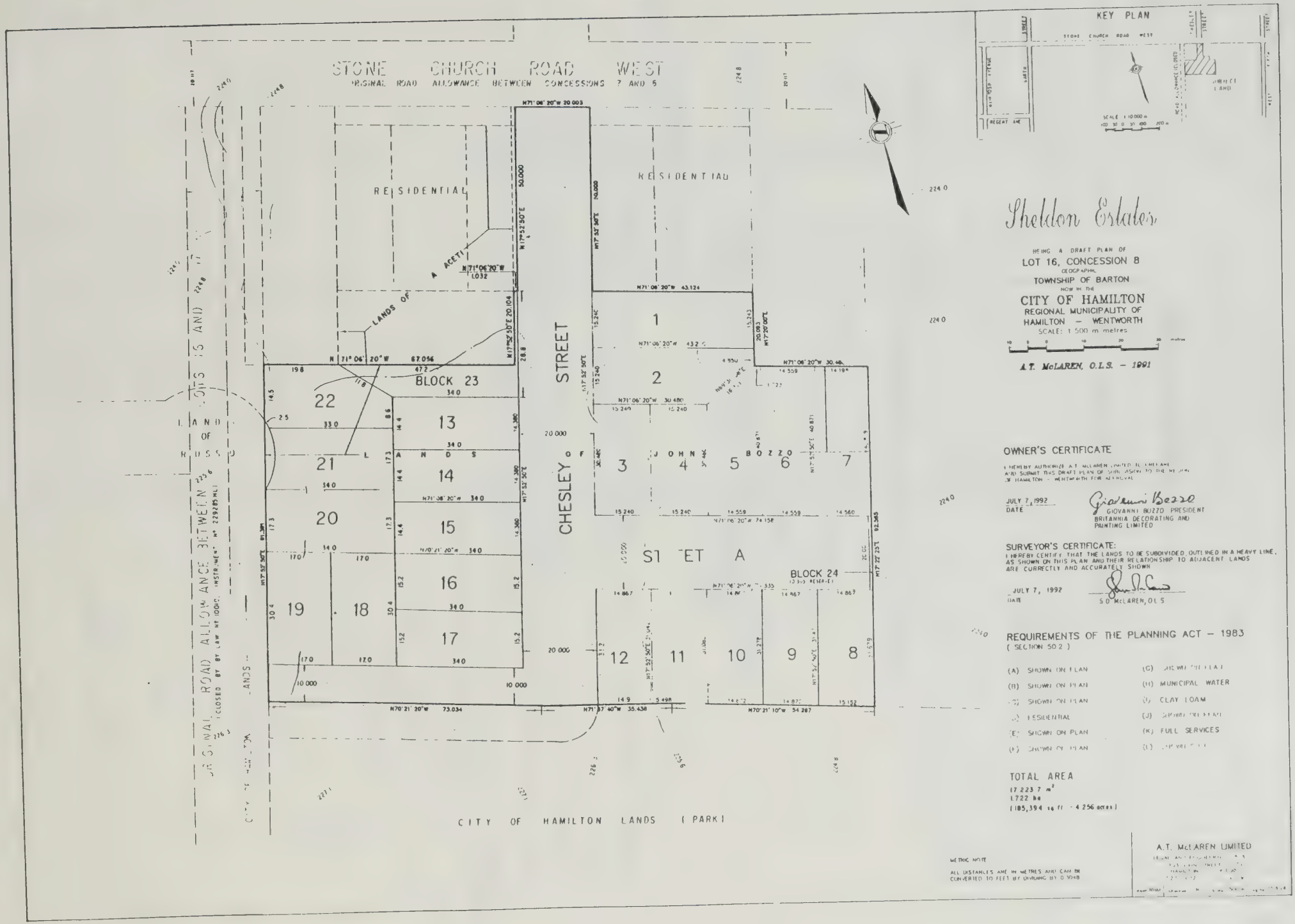


LOCATION PLAN SHOWING
PART OF LOTS 15-18, CON. 8
FORMERLY IN THE
TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
PLANNING AND DEVELOPMENT DEPARTMENT

PROPOSED SUBDIVISION
25T-92008

NORTH	SCALE	REFERENCE FILE No.
	NONE	25T-92
	DATE	DRAWN BY
	AUGUST 10/92	W. J. S.



Sheldon Estates

BEING A DRAFT PLAN OF
LOT 16, CONCESSION 8
GEOGRAPHIC
TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON – WENTWORTH
SCALE: 1 500 m metres

A.T. McLAREN, O.L.S. – 1991

OWNER'S CERTIFICATE

I HEREBY AUTHORIZE A.T. McLAREN LIMITED TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE REGION OF HAMILTON – WENTWORTH FOR APPROVAL

JULY 7, 1992
DATE

Giovanni Bozzo
GIOVANNI BOZZO PRESIDENT
BRITANNIA DECORATING AND PAINTING LIMITED

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE LANDS TO BE SUBDIVIDED OUTLINED IN A HEAVY LINE, AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE CORRECTLY AND ACCURATELY SHOWN

JULY 7, 1992
DATE

S.D. McLAREN, O.L.S.

REQUIREMENTS OF THE PLANNING ACT – 1983
(SECTION 50.2)

(A) SHOWN ON PLAN	(G) SHOWN ON PLAN
(B) SHOWN ON PLAN	(H) MUNICIPAL WATER
(C) SHOWN ON PLAN	(I) CLAY LOAM
(D) RESIDENTIAL	(J) SHOWN ON PLAN
(E) SHOWN ON PLAN	(K) FULL SERVICES
(F) SHOWN ON PLAN	(L) [illegible]

TOTAL AREA

17 223.7 m²
1.722 ha
(185,394 sq ft - 4.256 acres)

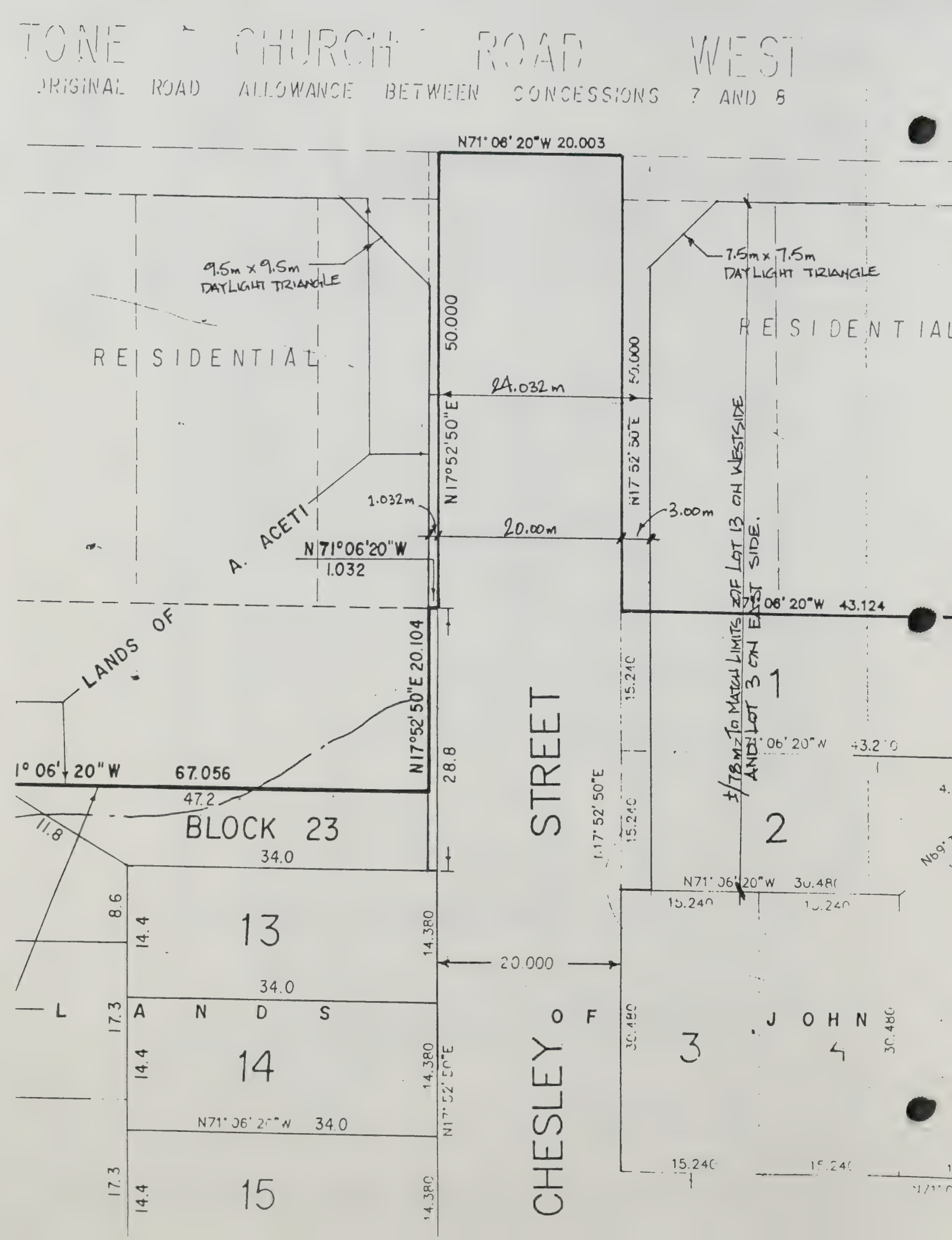
METRIC NOTE

ALL DISTANCES ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

A.T. McLAREN LIMITED

TONE CHURCH ROAD WEST

ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 7 AND 8



CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
MAY 1 1 1993
CITY CLERKS

DATE: 1993 May 10
(File: PLC-H-93-1)

REPORT TO: Tina Agnello
Secretary of the Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Application to remove part-lot control from Lots 1 to 17 inclusive, Registered Plan No. 62M-730.

RECOMMENDATION:

(1) That the attached by-law to remove part-lot control from the lots in the Edan Heights, Phase 3 plan of subdivision, 62M-730, be enacted by Council.

(2) That following enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse same on the by-law.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner: 603976 Ontario Ltd. (Terra Homes), Hannon, Ontario

Agent: Luciano Castura, Scoccia & Castura (Solicitor), Hamilton, Ontario

Surveyor: A. J. Clarke and Associates Ltd.

Location: The lands are located south of Stone Church Road and west of Upper Sherman Avenue in the Butler Neighbourhood. The lands are part of the Edan Heights Subdivision.

Proposal:

The applicant wishes to establish maintenance easements for 17 small lots within a registered plan of subdivision by having the municipality pass a by-law temporarily removing part-lot control. The easement would allow future property owners to access and maintain the part of their dwellings set close to the property line in this zero-lot line development.

Comments:

Removal of "part-lot control" is a measure provided for under the Planning Act to permit such minor divisions of land without having to obtain approval of each individual parcel by the Land Division Committee, thereby reducing the overall administration process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles office. It can apply only to registered plans of subdivision. It is commonly used to establish maintenance easements.

Part-lot control will be re-established once the transactions conveying lots with the relevant maintenance easement have taken place. Re-establishment is also performed by by-law.

Both the by-law to remove "part-lot control" and the repealing by-law must be registered by the City Clerk.

The attached by-law has been prepared in a form satisfactory to the City Solicitors.

RM
Attach.
PLCH93-1

COMPILED PLAN
SHOWING
PART OF LOTS 1 TO 16 (INCLUSIVE)
EDAN HEIGHTS–PHASE 3–PLAN 62M–730
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH

SCALE = 1 : 750

0 5 10 20 30 40 metres

A J. CLARKE O.L.S.
1993

SCHEDULE					
PART	LOT	PART	LOT	PART	LOT
1	1	6	6	11	11
2	2	7	7	12	12
3	3	8	8	13	13
4	4	9	9	14	14
5	5	10	10	15	15
				16	16

PLAN 62R-12599

RECEIVED AND DEPOSITED
DATE 93/05/10
M. Hunter ADLR
LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No 62)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT
DATE MAY 4, 1993
GEORGE VNOUCEK

PARTS 1 TO 16 INCLUSIVE – PART OF PARCEL PLAN-1, SECTION 62M-730 SUBJECT TO EASEMENT IN LT 342686

CARTIER CRESCENT

PART 1 PLAN 62R-9990

ACADIA DRIVE
(ESTABLISHED BY BY-LAW No.71-106)
(REGISTERED AS INST.No.201531 A.B.)

(ESTABLISHED BY BY-LAW No.10518, REG'D AS INST.No.284640 H.L.)
(AMENDED BY BY-LAW No.71-15, REG'D AS INST.No.193659 A.B.)

PLAN 62M-694

20 19 18 17 16 15 14 13

17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

PART 16 PART 15 PART 14 PART 13 PART 12 PART 11 PART 10 PART 9 PART 8 PART 7 PART 6 PART 5 PART 4 PART 3 PART 2 PART 1

CARTIER CRESCENT
(ESTABLISHED BY PLAN 62M-730)

BLOCK 33

BLOCK 32

31 30 29 28 27 26 25 24 23 22 21 20 19 18

PART 9 PART 10 PART 15 PART 17 PART 24 PART 25

PLAN 62R-10810

UPPER SHERMAN AVENUE
ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 8 AND 9

LOT 9 CONCESSION 8
Geographic Township of Barton

SURVEYOR'S CERTIFICATE
I CERTIFY THAT THIS PLAN IS AN ACCURATE COMPILATION BASED ON DATA DERIVED FROM PLAN 62M-730

MAY 4, 1993
DATE

A J Clarke O.L.S.
A. J. CLARKE

NOTE
1. ALL PARTS LIE WHOLLY WITHIN THE LIMITS OF LOTS SHOWN IN SCHEDULE
2. ALL PARTS HAVE A PERPENDICULAR WIDTH OF 1.2 m
3. FRONT AND REAR LIMITS OF ALL PARTS ARE PARALLEL

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

CAUTION
THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS . CONSULTING ENGINEERS

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Remove
Land within the Edan Heights, Phase 3 Subdivision, Plan 62M-730
from Part Lot Control

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

> (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

   All lots within Registered Plan Number 62M-730, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED this day of A.D. 1993.

City Clerk Mayor

Dc)

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
MAY 11 1993
CITY CLERKS

DATE: 1993 May 6
(734.2)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Proposal to rename Gondola Street to Duncairn Crescent in the Gourley Neighbourhood

RECOMMENDATION:

a) That approval be given to the proposed renaming of Gondola Street to Duncairn Crescent;

b) That authorization be given to hold a Public Meeting regarding the proposed name change;

c) That a draft by-law be drawn up to enact the proposed name change.

V. Abraham

J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Location

The subject street is located within the Gourley Neighbourhood. The area is currently being developed.

History

Parts of Gondola Street and Duncairn Crescent were established by Registered Plan M-129 in 1974. At that time, according to the neighbourhood plan, Gondola Street ran south from Heatherdale Place to Duncairn Crescent, and Duncairn continued in a 180° loop to the north and west to end at Gondola (See attached maps).

The revised neighbourhood plan (1990) has deleted that part of the Gondola Street extension south of the originally proposed end of Duncairn Crescent. As shown by Plan M-720 ("Summerfield at the Orchard" Subdivision, attached) this has created a single street between the existing parts of Gondola Street and Duncairn Crescent which was opened by By-Law in 1992. Plan M-720 shows the street changing names at the south-east 90° turn.

Process to Change a Street Name

A street name change initiated by a municipality usually requires 10-12 weeks to complete and involves the following:

- a notice of the proposed by-law is published in a local newspaper for four successive weeks;
- the Planning and Development Committee holds a public meeting to receive comments;
- Council passes a by-law to change the name;
- the by-law is registered in the land registry office.

Comments

Staff received a request from the Regional Police Department to consider changing the name of Gondola Street to Duncairn Crescent. Gondola Street, as it existed from 1974 until late 1992, was only 15 metres long, with two houses fronting on it (Nos. 2 and 3). With the opening of the road extension, there is some confusion regarding where the street name changes from Gondola to Duncairn. In addition, the odd/even house numbering will switch sides at this point. With homes now being constructed in the area, the situation requires clarification.

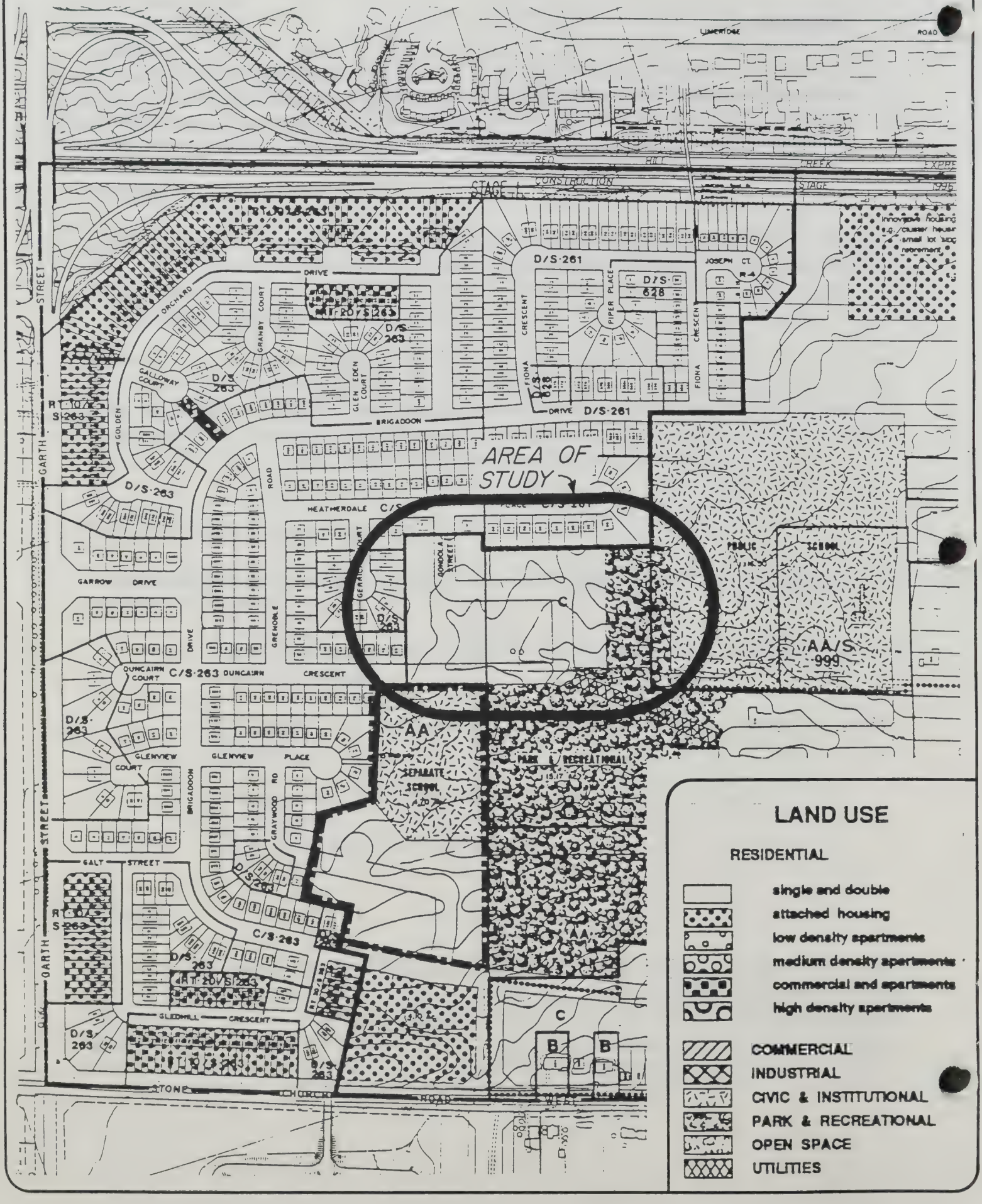
Conclusion

In order to rationalize the street names in this area, what is now Gondola Street can be considered as an extension of Duncairn Crescent through to Heatherdale Place, and should be renamed to Duncairn Crescent. Since only two existing households are affected (Nos. 2 and 3 Gondola St.), this represents the least disruptive solution, and would comply with the request of the Regional Police Department.

JA
Attach.

EXCERPT OF GOURLEY NEIGHBOURHOOD APPROVED PLAN

MAP 1



LAND USE

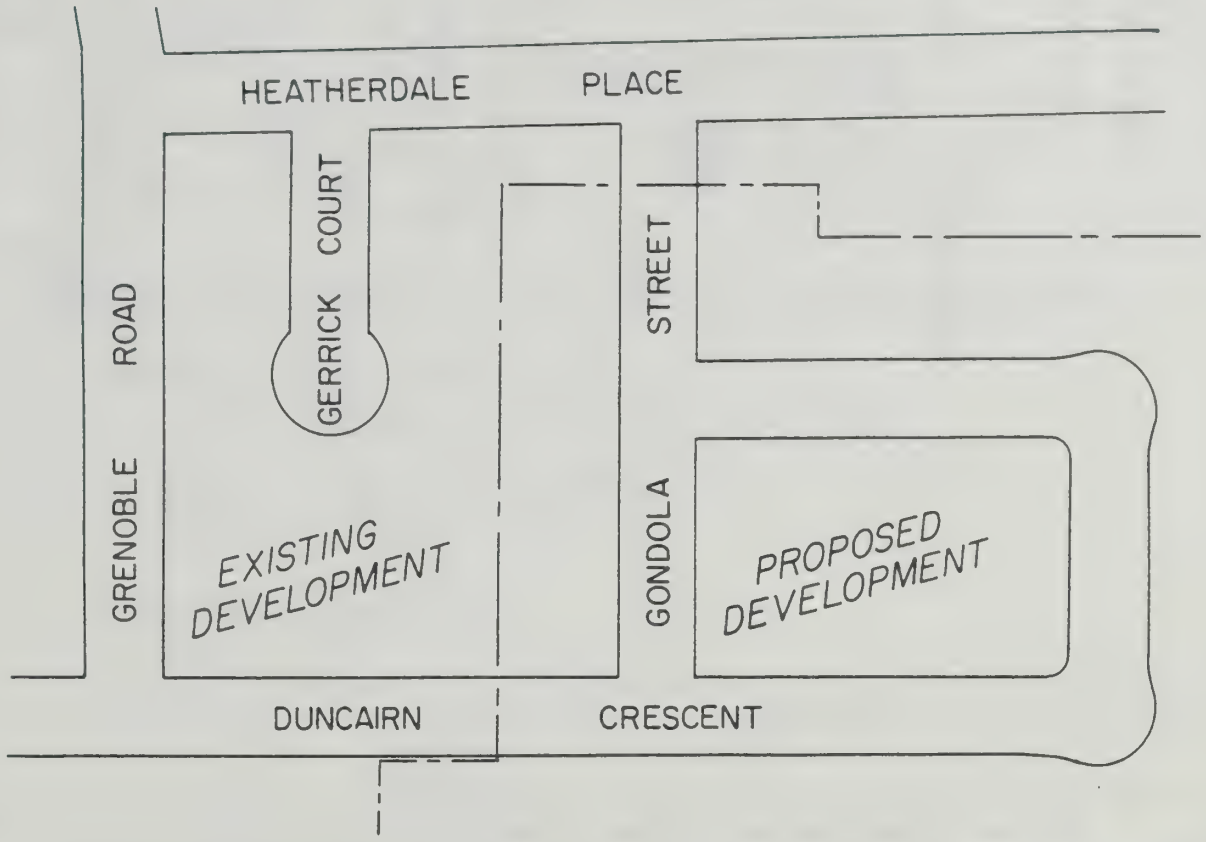
RESIDENTIAL

- single and double
- attached housing
- low density apartments
- medium density apartments
- commercial and apartments
- high density apartments

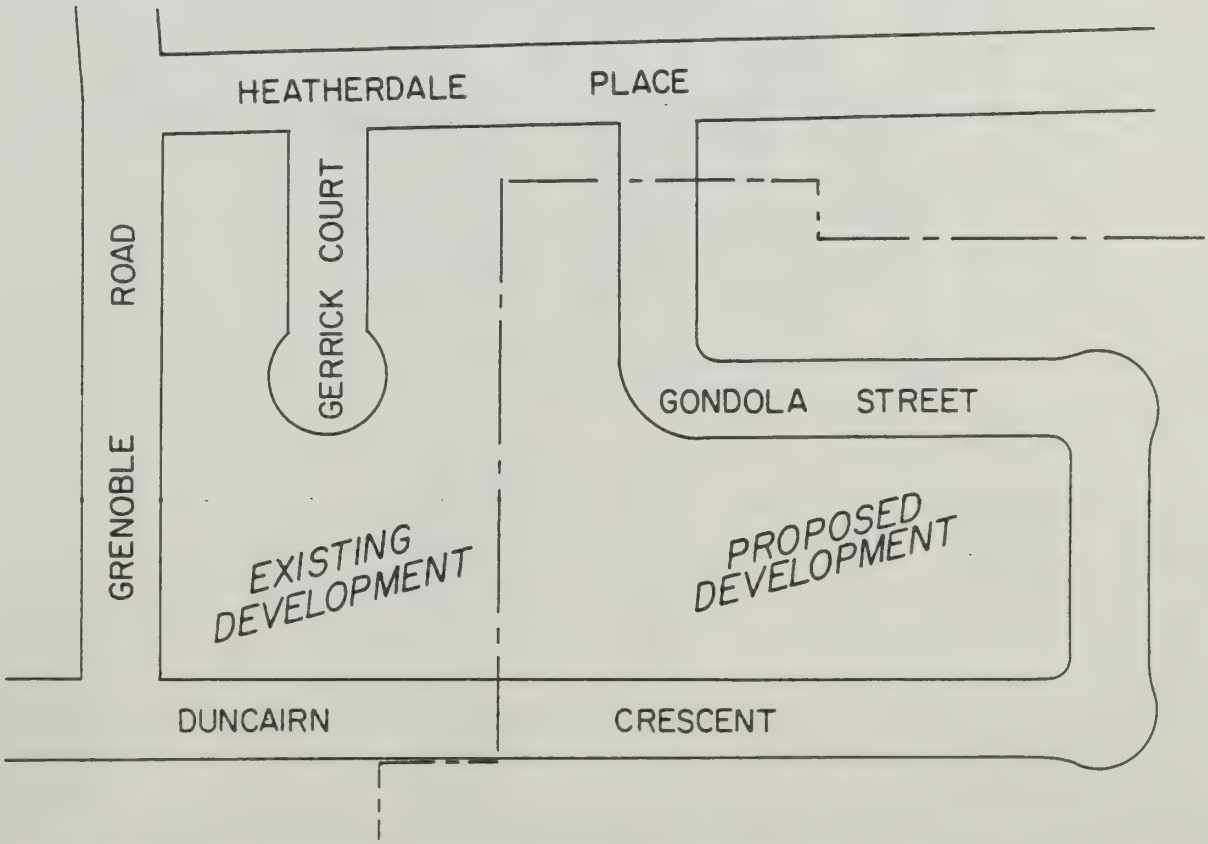
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

MAP 2

PROPOSED STREET NETWORK (1974)

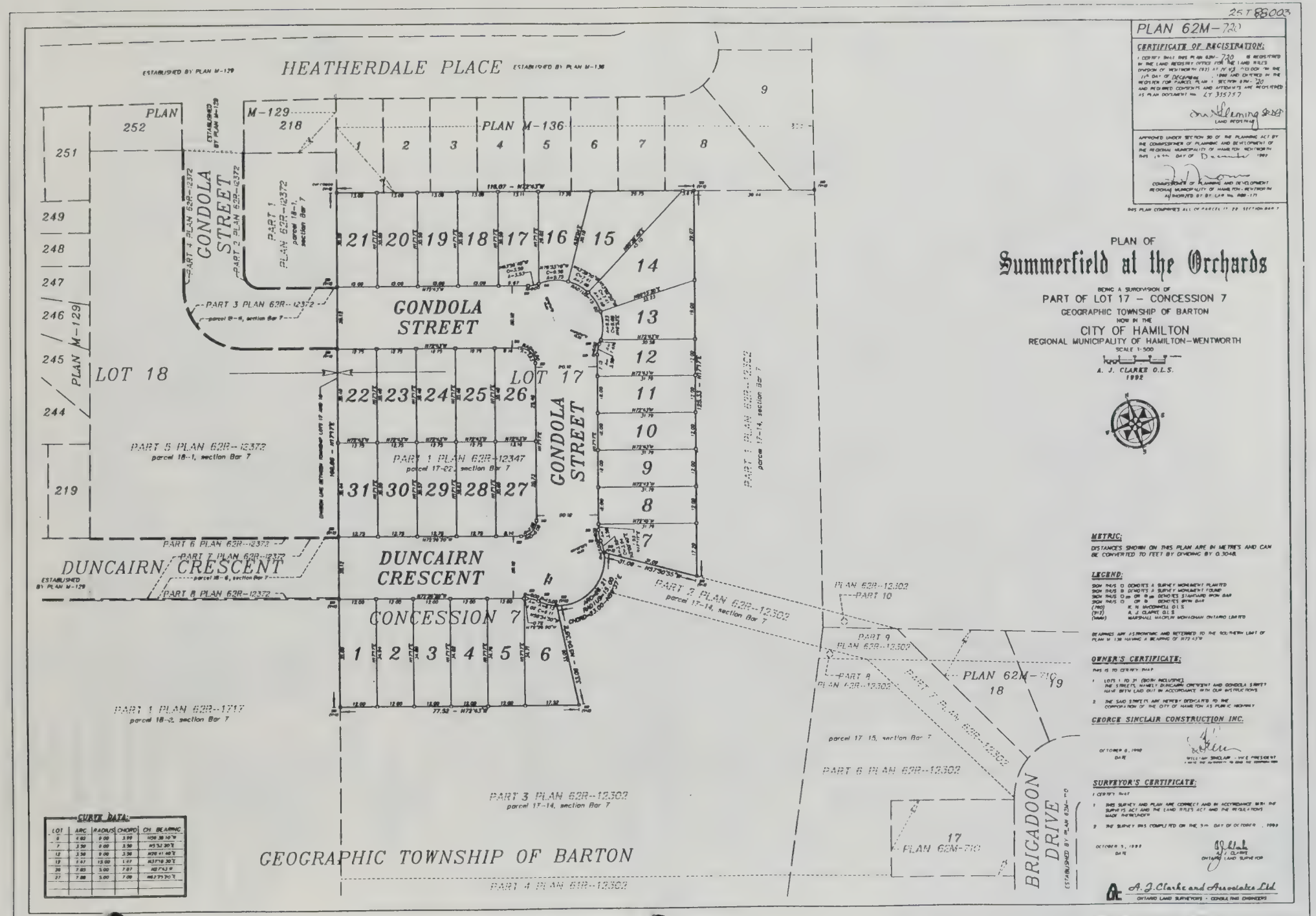


APPROVED STREET NETWORK (1990)



M-720

25T88003



PLAN 62M-720

CERTIFICATE OF REGISTRATION:

I CERTIFY THAT THIS PLAN 62M-720 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND RULES DIVISION OF WENTWORTH (62) AT [illegible] O'CLOCK IN THE [illegible] DAY OF DECEMBER, 1992 AND ENTERED IN THE REGISTER FOR PARCEL PLAN 1 SECTION 62M-720 AND THE DESCRIBED EASEMENTS AND APPURTENANCES ARE RECITED AS PLAN DOCUMENT No. LT 335757

[signature] LAND REGISTRAR

APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH THIS 15TH DAY OF DECEMBER 1992

[signature] COMMISSIONER OF PLANNING AND DEVELOPMENT REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH AS DELEGATED BY BY-LAW No. 88B-171

THIS PLAN COMPRISES ALL OF PARCEL 17-22 SECTION BAR 7

PLAN OF

Summerfield at the Orchards

BEING A SUBDIVISION OF
PART OF LOT 17 – CONCESSION 7
GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH
SCALE 1:500

A. J. CLARKE O.L.S.
1992

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

LEGEND:
SIB THUS ○ DENOTES A SURVEY MONUMENT PLANTED
SIB THUS ● DENOTES A SURVEY MONUMENT FOUND
SIB THUS ○ OIB ● DENOTES STANDARD IRON BAR
SIB THUS ○ OP ● DENOTES IRON BAR
(1902) K. N. MACDONELL O.L.S.
(1972) A. J. CLARKE O.L.S.
(1988) MARSHALL MACKLIN MONAGHAN ONTARIO LIMITED

BEARINGS ARE ASTRONOMIC AND REFERRED TO THE SOUTHERN LIMIT OF PLAN M-136 HAVING A BEARING OF N72°43'E

OWNER'S CERTIFICATE:

THIS IS TO CERTIFY THAT:

1. LOTS 1 TO 31 (BOTH INCLUSIVE) THE STREETS, NAMELY DUNCAIRN CRESCENT AND GONDOLA STREET HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS
2. THE SAID STREETS ARE HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AS PUBLIC HIGHWAY

GEORGE SINCLAIR CONSTRUCTION INC.

OCTOBER 6, 1992 — DATE

WILLIAM SINCLAIR – VICE PRESIDENT

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER
2. THE SURVEY WAS COMPLETED ON THE 5TH DAY OF OCTOBER, 1992

OCTOBER 9, 1992 — DATE

A. J. CLARKE — ONTARIO LAND SURVEYOR

A. J. Clarke and Associates Ltd
ONTARIO LAND SURVEYORS · CONSULTING ENGINEERS

CURVE DATA:

LOT	ARC	RADIUS	CHORD	CH. BEARING
9	4.60	9.00	3.99	N39°38'10"E
7	3.39	9.00	3.36	N53°41'30"E
12	3.38	9.00	3.36	N70°41'40"E
13	1.67	15.00	1.61	N83°18'30"E
30	7.85	5.00	7.07	N27°43'E
27	7.88	5.00	7.09	N62°33'30"E

E.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 May 12

REPORT TO: Members of the Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **INFORMATION ITEMS**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to Members of the Committee under separate cover, be received for information purposes:

(a) Director of Public Works: Application for Funding Under the Federal Job Development Grant Programme dated 1993 May 3.

(b) Director of Public Works: Revitalization of Barton Street dated 1993 May 5.

(c) Commissioner of Planning and Development: Approved Site Plan Control Application dated 1993 May 12.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

URBAN/MUNICIPAL
CA4 ON HBL A05
CSIP4
1993



Urban Municipal
Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1993 June 23
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICI
JUN 1993
GOVERNMENT DOCUMENTS

T. Agnello

Tina Agnello, Secretary
Planning and Development Committee

AGENDA:

9:30 O'CLOCK A.M.

1. Zoning Application 89-57, Ascenzo Gemino Lepore, owner, for a change in zoning from "AA" District to "C" District, for lands located at No. 236 and part of No. 250 Rymal Road West; Sheldon Neighbourhood

2. Zoning Application 92-55, Luval Enterprises Limited, owner, for changes in zoning from "AA" District to "C" District (Block "1") and "RT-30" District (Block "2"), and from "R-4" District to "RT-20" District (Block "3"), "RT-30" District (Block "4") and "DE-3" District (Block "5"), for lands located south of Mud Street and west of Upper Mount Albion Road; Albion Falls Neighbourhood

9:45 O'CLOCK A.M.

3. **89-91 VINE STREET, PHILPOTT MEMORIAL CHURCH, OWNER**

   (a) Secretary LACAC - Designation of 89-91 Vine Street (Not a Public Meeting)

   (b) Zoning Application 92-57, Philpott Memorial Church, owner, for a change in zoning from "L-C" District to "H" District, for property located at Nos. 89-91 Vine Street; Central Neighbourhood

4. Zoning Application 93-01, Adorn Investments Limited and Valerie Fine, Trustee (Midas Bowling Lanes Ltd.), owners, for changes in zoning from "AA" District to "R-4" District (Block "1"), "RT-30" District (Block "2") and "H" District (Block "3", and from "R-4" District to "RT-30" District (Block "4"), for lands located at the rear of 1011 Queenston Road; Riverdale East Neighbourhood

5. City Initiative 93-A, to consider a general text amendment to Zoning By-law No. 6593 respecting the location of townhouse and maisonette development

6. **REFERRAL FROM REGIONAL COUNCIL**

   Amendment No. 80 to the City of Hamilton Official Plan (PLA-93-033)

7. **BUILDING COMMISSIONER**

   Ontario Home Renewal Programme - Meeting with Minister of Housing

8. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

   Implementation of report entitled "Guidelines for a Central Business District Focus Area"

   (a) Submission: H. Gaasenbeek, 19 Flatt Avenue, Hamilton, Ontario, L8P 4M9

9. **DIRECTOR OF PUBLIC WORKS**

   Commercial Improvement Programme - Business Improvement Areas

10. **CONSENT AGENDA**

11. **OTHER BUSINESS**

12. **ADJOURNMENT.**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

Item No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	C.I. 90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee
3.	Conditions of Conversions - Separate Utility Controls	1991 June 19	Building	Report Pending
4.	Site Plan Control Application DA-91-50 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
5.	ZA-91-12 - 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
6.	ZA-92-03 - 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
7.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
8.	Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots	1993 February 3	Alderman H. Merling	Tabled to allow previous Sub-Committee to review matter
9.	Revitalization of Barton	1993 February 3	Mayor R. M. Morrow	Various Departments to report back on Mayor's Request
10.	Building Permit Fees and Development Charges	1993 March 24	Building	Building Department to review and report back
11.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
12.	ZA-93-01 - 1011 Queenston Road	1993 April 21	Applicant	Tabled on request of Applicant

Tina Agnello, Secretary
1993 June 17

1

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	1993 June 7 ZA-89-57 Sheldon Neighbourhood	RECEIVED JUN 15 1993
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee	CITY CLERKS
FROM:	Mr. J. D. Thoms Commissioner of Planning and Development	
SUBJECT:	Request for changes in zoning - Nos. 236 - 250 Rymal Road West.	

RECOMMENDATION:

That approval be given to amended Zoning Application 89-57, Ascenzo Lepore, owner, requesting changes in zoning from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District (Block "1"), and to "C" (Urban Protected Residential, etc.) District (Block "2"), to permit future development for single-family detached dwellings, on lands located at Nos. 236 - 250 Rymal Road West, as shown on the attached map marked as Appendix "A", on the following basis:

i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., to Block "1" by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Block "1" until municipal water and sewer services are available to the satisfaction of the Commissioner of Transportation and Environmental Services.

Removal of the holding restriction shall be conditional upon the availability of all such municipal water and sewers serving the subject lands to the satisfaction of the Commissioner of Transportation and Environmental Services. City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in this By-law by the enactment of an amending By-law once municipal water and sewer services are available.

ii) That Block "1" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District;

iii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-17D and W-17E for presentation to City Council;

v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The amending By-law establishes the holding provisions of Section 36(1) of the Planning Act, R.S.O., on Block "1" by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Block "1" until municipal water and sewers services are available. Removal of the holding restriction shall be conditional upon the availability of municipal water and sewers serving the subject lands to the satisfaction of the Commissioner of Transportation and Environmental Services. City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in the amending By-law outlined below.

The purpose of the By-law is to provide for changes in zoning from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District (Block "1"), and to "C" (Urban Protected Residential, etc.) District (Block "2"), for property located at Nos. 236 - 250 Rymal Road West, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit future development of the subject lands for single-family detached dwellings.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The purpose of the proposed changes in zoning is to permit future development of the subject lands for single-family detached dwellings. In this regard, it is understood that the applicant intends to apply to the Regional Land Division Committee for approval of land severance applications, upon approval of this application, for the lands fronting onto Rymal Road West.

APPLICANT:

Acenzo Gemino Lepore, owner.

LOT SIZE AND AREA:

- 64.008m (210.0 ft.) of lot frontage on Rymal Road West;
- 124.54 m (408.59 ft.) of lot depth; and
- 6,463.26 m^2 (69,572.23 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject lands	single-family dwelling	"AA" (Agricultural) District
Surrounding lands		
to the north	vacant	"DE"-'H' (Low Density Multiple Dwellings - Holding) District, modified
to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	single-family dwelling and vacant	"AA" (Agricultural) District

to the west	vacant	"B-2"-'H' (Suburban Residential - Holding) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan. The following policies, among others, would apply.

"2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C 7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;..

C 7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE and DOUBLE RESIDENTIAL" on the approved Sheldon Neighbourhood Plan. The proposal complies with the intent of the plan.

COMMENTS RECEIVED:

- The Building Department, Traffic Department, and the Hamilton Region Conservation Authority have no comments or objections.

- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the portion of these lands fronting Rymal Road West and to approximately 60 m northerly. The rear lands must drain northerly where servicing is presently not available nor planned in the near future. Therefore, development of the rear lands is premature.

The designated road allowance width of Rymal Road West is 36.0 m. It appears from our records that a portion of the road widening was previously acquired by the Region. To ensure that the Region acquires all the necessary road widenings, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region to establish the widened road allowance limits 8.7967 m north of the original road allowance limits of Rymal Road West.

In the absence of any details shown, we advise that any works within the Rymal Road West road allowance, as widened, must conform to the Region of Hamilton - Wentworth Roads Use By-law.

According to the approved Sheldon Neighbourhood Plan, the subject lands are designated for internal street purposes and single and double housing.

We recommend that the subject lands be developed through subdivision control to ensure that the internal neighbourhood streets are established and that all sevicing costs can be recovered by the City and the Region."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2, The proposal complies with the intent of the approved Sheldon Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

    - it implements the intent of the both the Official Plan and the approved Sheldon Neighbourhood Plan which designate the subject lands "RESIDENTIAL" and "SINGLE and DOUBLE RESIDENTIAL" respectively;

    - it would be compatible with existing and future planned development in this area;

    - it represents an "infill" situation along this portion of Rymal Road West;

    - the requested "C" (Urban Protected Residential, etc.) District zoning would be compatible with established zoning on both sides of Rymal Road West in this area.

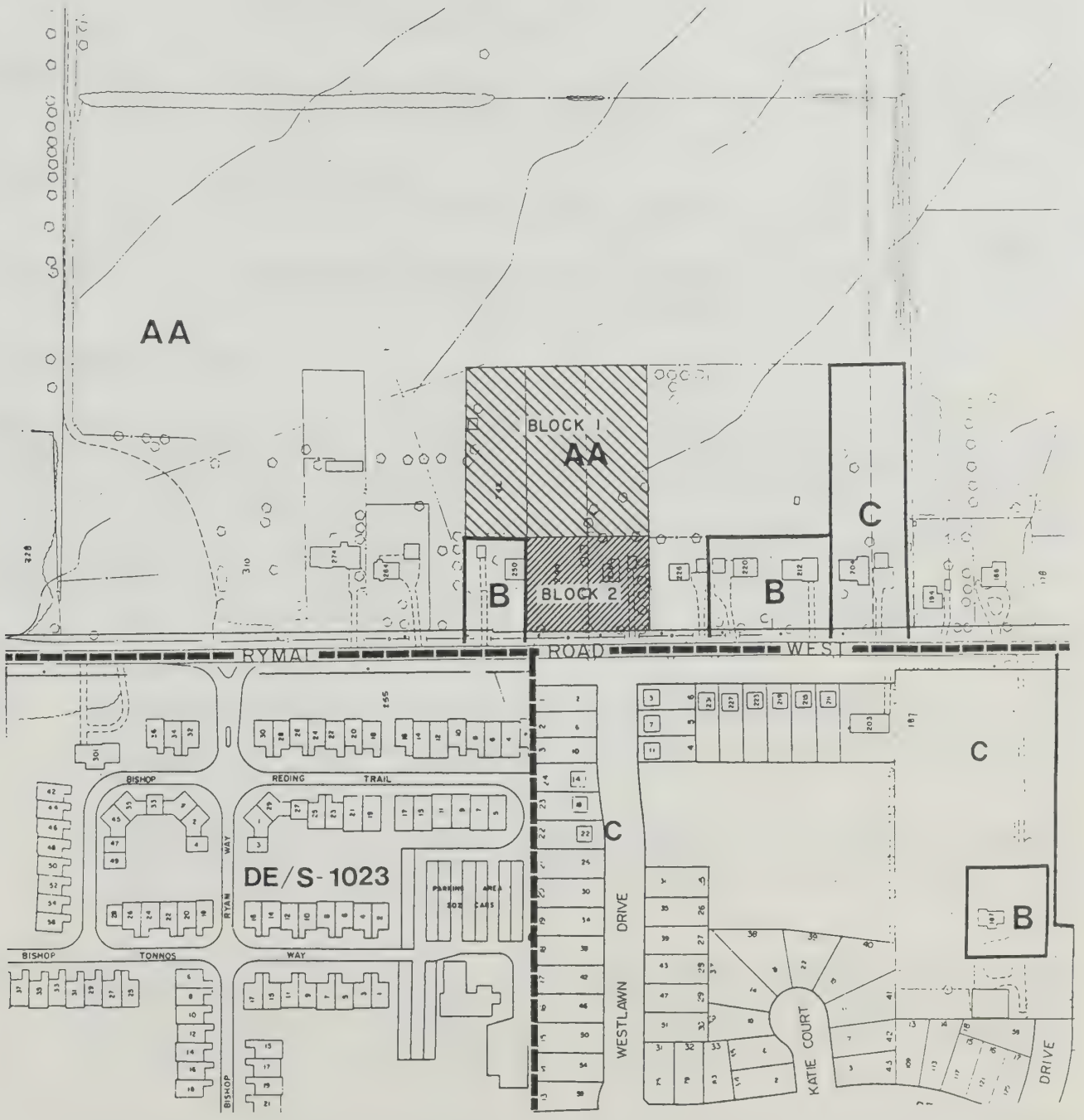
4. The Hamilton-Wentworth Roads Department notes that while the lands fronting onto Rymal Road West to a depth of approximately 60.0 m can be serviced by public water mains and separate storm and sanitary sewers, the rear lands (Block "1") must drain northerly where servicing is presently not available nor planned in the near future. Therefore, development of the rear lands, (Block "1" - north of and parallel to adjoining lands in the "B" (Suburban Agriculture and Residential, etc.) District), is premature. In this regard, it would be appropriate that the rear lands be subject to Section 36(1) of the Planning Act, R.S.O., whereby Council may, in a By-law, use a holding symbol "H" in conjunction with any Zoning District and specify the use to which lands, buildings, or structures may be put at such time in the future as the holding symbol is removed by an amendment to the By-law.

5. Matters concerning outstanding servicing costs, road widenings, etc. can be dealt with upon submission of either a draft plan of subdivision or land severance applications.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/
WPZA8957



Legend

Proposed Changes in Zoning From "AA" (Agricultural) District to:

BLOCK 1 "C" - "H" (Urban Protected Residential, etc. Holding) District.

BLOCK 2 "C" (Urban Protected Residential, etc.) District.

ZA 89 - 57
AMENDED

APPENDIX A

CITY OF HAMILTON

- RECOMMENDATION -

2.

DATE: June 15, 1993
ZA-92-55
Albion Falls Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED
JUN 16 1993
CITY CLERKS

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in Zoning - lands located south of Mud Street and of west Upper Mount Albion Road.

RECOMMENDATION:

That Zoning Application 92-55, Luval Enterprises Limited, owners, requesting changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1" and to "RT-30" (Street Townhouse) District for Block "2"; and from "R-4" (Small Lot Single-Family Detached) District to "RT-20" (Townhouse-Maisonette) District for Block "3", to "RT-30" (Street Townhouse) District for Block "4" and to "DE-3" (Multiple Dwellings) District for Block "5", for lands located south of Mud Street and west of Upper Mount Albion Road, shown as Blocks "1", "2","3","4" and "5" on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) The proposal conflicts with the intent of the Official Plan and the approved Albion Falls Neighbourhood Plan which designates these lands "SINGLE AND DOUBLE RESIDENTIAL";

ii) The proposed townhouses and multiple dwellings (Blocks "2", "3", "4", and "5") would not be compatible with the future intended residential land use to the north, which is designated for "SINGLE AND DOUBLE RESIDENTIAL";

iii) The proposal is premature in that it is part of a comprehensive development including lands located in Stoney Creek which are subject to a development moratorium imposed by Regional Council on December 19, 1991 (Appendix "E"). Furthermore, this section of the Red Hill Creek Expressway is currently on hold and is being reviewed; and,

iv) Approval of the application could encourage other similar applications which, if approved, would undermine the intent of the Official Plan and approved Neighbourhood Plan.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT: Luval Enterprises Limited (Clemente Valeri), owners.

BACKGROUND:

- Proposal

Application has been received for changes in zoning for lands located south of Mud Street and west of Upper Mount Albion Road, as shown on Appendix "A", on the following basis:

Block "1"	-	From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
Block "2"	-	From "AA" (Agricultural) District to "RT-30" (Street Townhouse) District;
Block "3"	-	From "R-4" (Small Lot Single-Family Detached) District to "RT-20" (Townhouse - Maisonette) District;
Block "4"	-	From "R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District; and
Block "5"	-	From "R-4" (Small Lot Single-Family Detached) District to "DE-3" (Multiple Dwellings) District.

The purpose of the proposed changes in zoning is to allow development of the subject lands, in conjunction with adjacent lands to the south in the City of Stoney Creek, for a total of 208 residential units (See Appendix "B"). The lands within the City of Hamilton will be developed on the following basis:

Block "1"	-	one single-family dwelling lot;
Blocks "2" and "4"	-	32 street townhouse units;
Block "3"	-	19 townhouse units; and
Block "5"	-	a three storey, 39 unit, multiple dwelling (apartment building).

- Consultants Report

The consultant for the applicant has submitted a land use Planning Report in support of the proposal. The report concludes, among other points, the following:

"In our opinion, the proposed Concept Plan is an appropriate form of development for the subject lands, given its proximity to the Red Hill Creek Expressway and the future Community Core directly to the south. The Concept Plan also takes into consideration the nature of future planned development to the north within the City of Hamilton, and existing

abutting single-detached development within the City of Hamilton, and existing abutting single-detached development within the City of Stoney Creek."

(See Appendix "B" - Concept Plan)

- Traffic Study

Parker Consultants on behalf of the applicant prepared a "Site Access and Traffic Impact Analysis" for the proposal. The findings and recommendations of this study are:

"1. Traffic To and From the Luval Development

The volume of new traffic that could be generated by the Luval Enterprises Ltd. development during the evening peak hour is estimated to be 140 vehicle trips (90 inbound and 50 outbound).

2. Operation of Intersections Under Existing Traffic Conditions

The existing intersections surrounding the development site are all operating at an acceptable level of traffic service based on existing traffic conditions.

3. Operation of Intersections With the Combination of Existing Traffic and Luval Development Traffic

The combination of existing background traffic and Luval development traffic during the evening peak hour produces the highest weekday traffic volume. Traffic during this period is higher than the morning peak hour and the weekend peak hour.

The existing road system and intersections surrounding the development can accommodate the combination of Luval development traffic and existing traffic during the peak traffic period and maintain an acceptable level of traffic service. Improvements to the existing road system are not required to accommodate the addition of Luval development traffic to the road system.

4. Accesses to the Luval Development

Two development accesses are proposed on Mud Street (future Alanbrook Street) and one access on Upper Mount Albion Road to serve the development. Two driveways and an internal drive are proposed on Mud Street to serve the townhouses that front onto Mud Street. These accesses will adequately serve the proposed development and are compatible with the future road system.

5. Ultimate Road System

An ultimate road system which includes the realignment of Mud Street, the closing of the existing Mud Street (terminating in a cul-de-sac) at the west end of the Luval site, completion of the Red Hill Creek Expressway, and connection of the realigned Mud Street to the Red Hill Creek Expressway at an interchange is proposed. These future road improvements have been planned, in part, to accommodate traffic demands from the Heritage Green area."

- Previous Action

  The application was originally scheduled for a Public Meeting on Wednesday, May 19, 1993. However, at the request of the applicant the application was withdrawn and rescheduled for this meeting (i.e. June 23,1993).

- City of Stoney Creek Application

  A similar zoning application has been made with the City of Stoney Creek for the lands immediately to the south. At its meeting of June 10, 1993, the Stoney Creek Planning Committee considered Planning staff's technical report with respect to the applicant's lands in Stoney Creek and recommended that a By-law and OPA be prepared and forwarded onto a Public Meeting with appropriate notice given.

- Zoning Application 89-80

  Zoning Application 89-80, for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, for Blocks "3", "4", and "5" (see Appendix "A"), to subdivide the subject lands into lots for "small lot" single-family detached dwellings, in conjunction with the adjacent lands to the south in the City of Stoney Creek, was approved by City Council at its meeting of March 13, 1990.

  By-law No. 90-165, came into effect on July 9, 1990.

- Draft Plan of Subdivision "Redhill Vista" (SA-89-14)

  Application SA-89-14, Valery Construction Ltd., owner, to establish a draft plan of subdivision 25T-88021, in conjunction with the adjacent lands to the south in the City of Stoney Creek, was approved in April of 1990. The proposal was for 80 single family dwellings (See Appendix "C").

LOT SIZE AND AREA:

- 320 m (1,050 ft.) of lot frontage on along Mud Street;
- 46 m (150 ft.) of lot depth; and,
- 1.5 ha (3.7 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant Land	"AA" (Agricultural) District and "R-4"(Small Lot Single-Family Detached) District
Surrounding Lands		
to the north	Vacant Lands	"AA" (Agricultural) District

to the south	Vacant Lands	"R2" - Residential Zone and "ER" - Existing Residential Zone - City of Stoney Creek
to the east	Vacant Lands	"A" - Agricultural Zone - City of Stoney Creek
to the west	Vacant Lands	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated ***Residential*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern.

C.7.10 Council will require the developer of proposed RESIDENTIAL development adjacent to the proposed East-West and North-South Transportation Facility to provide evidence that the noise levels in outdoor recreation space, after applying appropriate

noise attenuation measures, is the lowest level practicable. RESIDENTIAL development will only be permitted where attenuated noise levels in outdoor recreational space do not exceed 70 dBA. Council will not seek attenuation requirements where noise levels are, or are expected to be, at or below 55 dBA.

D.2.2 The detailed planning for the distribution and location of various land uses in each PLANNING UNIT will be determined or reviewed through the preparation of NEIGHBOURHOOD PLANS. In this regard, Council will ensure that all new development and/or redevelopment complies with the provisions of this Plan and the NEIGHBOURHOOD PLAN..."

The subject lands are also located within Special Policy Area 1b. Lands within SPECIAL POLICY AREA 1 are located in the NIAGARA ESCARPMENT Planning Area. It is intended that development in Area '1b' will have a minimal impact on the adjacent ESCARPMENT (Area '1a'). Accordingly, the nature of development, as defined in Schedule "A" for this Area, will be at a density, scale and height which is compatible with the ESCARPMENT.

A portion of the subject lands are within "Hazard Lands" as identified on Schedule C - Hazard Lands. It is the general intent that there be no encroachment or development on Hazard lands. However, precise delineation of Hazard Lands is subject to confirmation by the Hamilton Region Conservation Authority.

In conclusion, it is the intent of the Official Plan that new residential development contribute to the desired mix of housing, and that varieties of residential types will not be mixed indiscriminately. Furthermore, it is also the intent of the Official Plan (Policy D.2.2) that all development comply with the approved Neighbourhood Plan. The proposal does not comply with the approved Albion Falls Neighbourhood Plan, since the proposed townhouses and multiple dwellings (Blocks "2","3","4" and "5") are designated "SINGLE AND DOUBLE RESIDENTIAL". Based on the foregoing, the proposed "RT-30" (Street Townhouse) District, "RT-20" (Townhouse-Maisonette) District, and "DE-3" (Multiple Dwellings) District conflicts with the intent of the Official Plan. However, if the application is approved, an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN:

The lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Albion Falls Neighbourhood plan. The proposal does not comply with the intent of the Plan. If approved, a redesignation to "ATTACHED HOUSING" for Blocks "2","3", and "4" and "Medium Density Apartments" for Block "5" would be required.

RESULTS OF CIRCULARIZATION:

- The following Agency and Departments have no comment or objection:

  - Building Department;
  - Niagara Escarpment Commission;
  - Trans-Northern Pipelines Inc.; and,
  - Hamilton Region Conservation Authority.

- The Roads Department advised that their comments to the City of Stoney Creek dated February 23, 1993, are still applicable and comments dated June 1, 1993 are provided as of

subsequent meetings between staff and the owners' agent with respect to the details of the development on these lands (see attached comments Appendix "D" and "E".)

- The Special Projects Office has advised:

"This section of the Red Hill Creek Expressway is currently on hold and is being reviewed. The current Regional policy is to provide noise attenuation for the rear yard outdoor living area for the existing residential development where it is economically, aesthetically and administratively feasible. However, due to the proposed adjacent ramp alignment and grade, it may not be feasible to provide economical noise attenuation.

It is the recommendation of this office that any proposed plan should have only access roads, parking lots and the front yards adjacent to or facing the Expressway to act as buffer zones and provide on-site attenuation for the rear yard living areas. Also, a grade plan should be submitted for approval as a condition of site plan approval."

- The Traffic Department has advised that:

"It is our understanding that this section of the Red Hill Creek Expressway is currently on hold and is being reviewed. Therefore, the plan to cul-de-sac Mud Street in the area of this proposal is also on indefinite hold. As a result, we recommend that no street townhouses be permitted to have direct frontage onto Mud Street."

- The City of Stoney Creek has advised that:

"Please be advised that the City of Stoney Creek has received an application to amend the Official Plan designation and Zoning for the above-noted lands. This application pertains to the lands south of those lands shown on your application which are located in Stoney Creek.

The City's Technical Planning and Advisory Committee (T.P.A.C.) has reviewed this application and has recommended refusal of the application. It was noted that the proposed development was premature due to the uncertainty of the construction of the Red Hill Creek Expressway and the increase in density would exceed the population cap established by the Region. Also, the proposal conflicts with numerous Official Plan policies with respect to location of medium density development and therefore is not considered appropriate in this area. Accordingly, Planning staff would recommend that the Planning Committee object to Zoning Application 92-55. Stoney Creek Planning staff had prepared a report which recommended refusal of the zoning and Official Plan Amendment application in Stoney Creek for the consideration of the Stoney Creek Planning Committee at its March meeting. However, the agent for the applicant requested that the report be withdrawn from the agenda since the applicant was on vacation."

Up-date

At its meeting of June 10, 1993, the Stoney Creek Planning Committee considered Planning staff's technical report and recommended that a By-law and OPA be prepared and forwarded onto a Public Meeting with appropriate notice given.

- The Regional Planning Branch has advised that:

  "The proposal conflicts with Regional Councils Policies. The subject lands are identified as "Proposed Development- Residential and Related Uses" within the Urban Policy Areas of H.W.O.P. The subject lands are part of a larger property, most of which is in the City of Stoney Creek. Proposed subdivision 25T-88021, involving the entire property, was granted approval in April of 1990. This proposal was for Single Family Dwellings.

  The current proposal is for 3 Single Family Dwellings and 206 apartment and townhouse units, which represents a 260% increase in the number of units. The lands within Stoney Creek are subject to the [Appendix "F"] development moratorium imposed by the Regional Council on December 1991 (attached). The moratorium only allows approved and draft approved development to proceed. Since this application must be viewed as a completely new proposal, that part of it within Stoney Creek is deemed to be premature. As it is highly unlikely that the part of the project in Hamilton can proceed independently of the rest, it is recommended that this proposal be held in abeyance until the moratorium issue and statue of the remainder of the property is resolved.

  Comments should be obtained from the Regional Roads department regarding Mud Street and the Expressway. It is also recommended that the City of Stoney Creek and the City of Hamilton initiate discussions on adjustment of their mutual Boundary in the area, in order to simplify jurisdiction."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan and with the intent of the approved Albion Falls Neighbourhood Plan, which designates Blocks "2","3","4", and "5", "SINGLE AND DOUBLE RESIDENTIAL". If approved, a Neighbourhood Plan redesignation to "ATTACHED HOUSING" and "MEDIUM DENSITY APARTMENTS" would be required. However, an Official Plan Amendment would not be required.

2. The proposal cannot be supported for the following reasons:

   - It conflicts with the intent of the Official Plan and the approved Albion Falls Neighbourhood Plan which designates these lands "SINGLE AND DOUBLE RESIDENTIAL";

   - Townhouses and multiple dwellings (Blocks "2","3","4" and "5") would not be compatible with the future intended residential land use to the north, which is designated for "SINGLE AND DOUBLE RESIDENTIAL";

   - The proposal is premature in that it is part of a comprehensive development including lands located in Stoney Creek which are subject to a development moratorium imposed by Regional Council on December 19, 1991 (Appendix "F"). Furthermore, this section of the Red Hill Creek Expressway is currently on hold and is being reviewed; and,

   - Approval of the application could encourage other similar applications which, if approved, would undermine the intent of the Official Plan and the approved Neighbourhood Plan.

It should be noted that the City of Stoney Creek Technical Planning and Advisory Committee (T.P.A.C.) has recommended refusal of an application to amend the Official Plan and Zoning By-law for the lands within the City of Stoney Creek. The Stoney Creek Planning Committee considered their Planning staff's technical report and recommended that a By-law and OPA be prepared and forwarded onto a Public Meeting. Furthermore, Stoney Creek Planning staff has advised that they do not support the subject application in Hamilton.

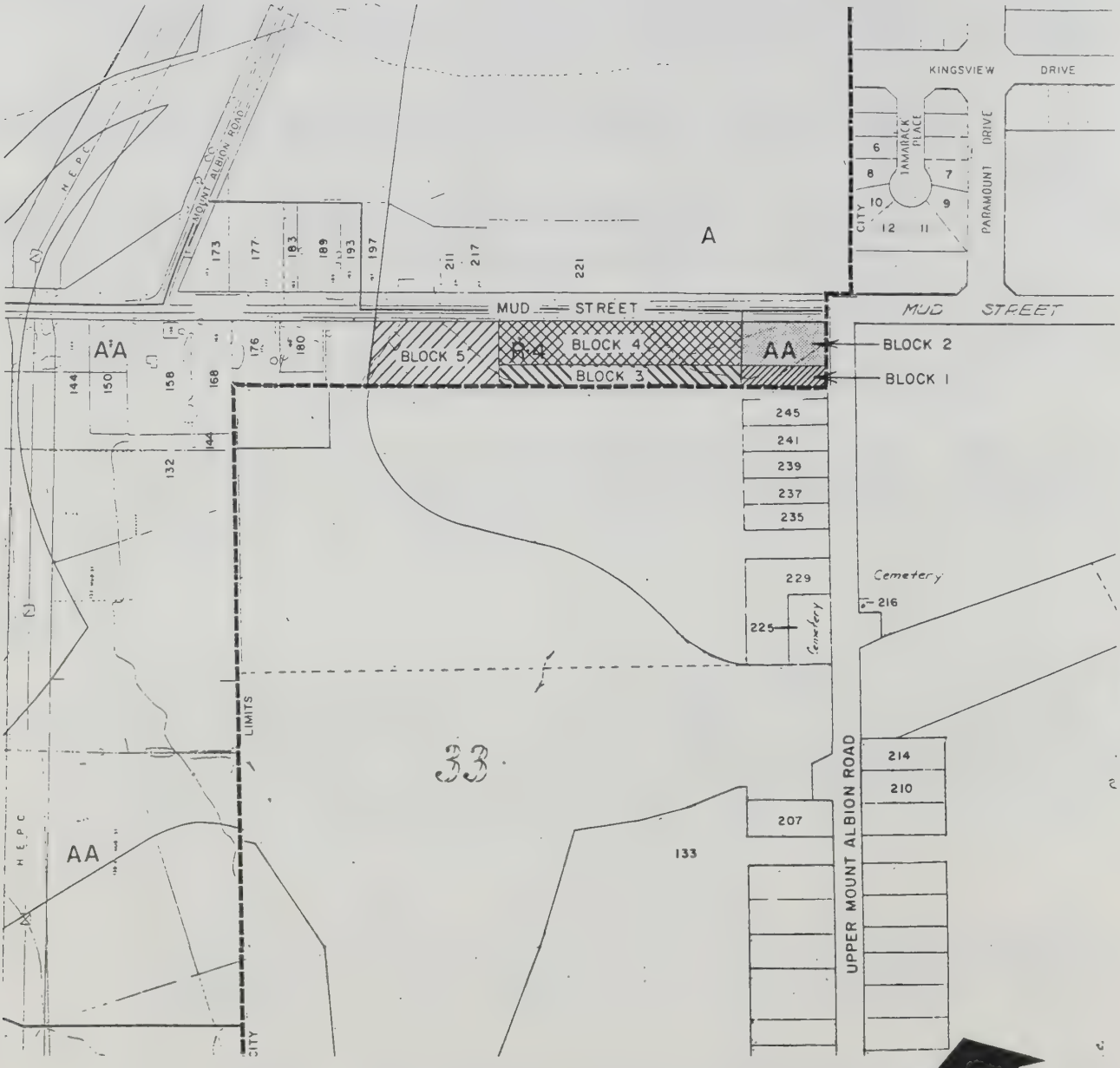
3. With respect to the applicants Traffic Study, the Roads Department has advised that they do not concur with the conclusions in the report (see items # 2 to # 6 of Appendix "E").

   The Traffic Department has reviewed the traffic study in relation to that portion of the development within the City of Hamilton (i.e. Townhouses fronting Mud Street) and has verbally advised that their previously stated comments remain unchanged.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JL/

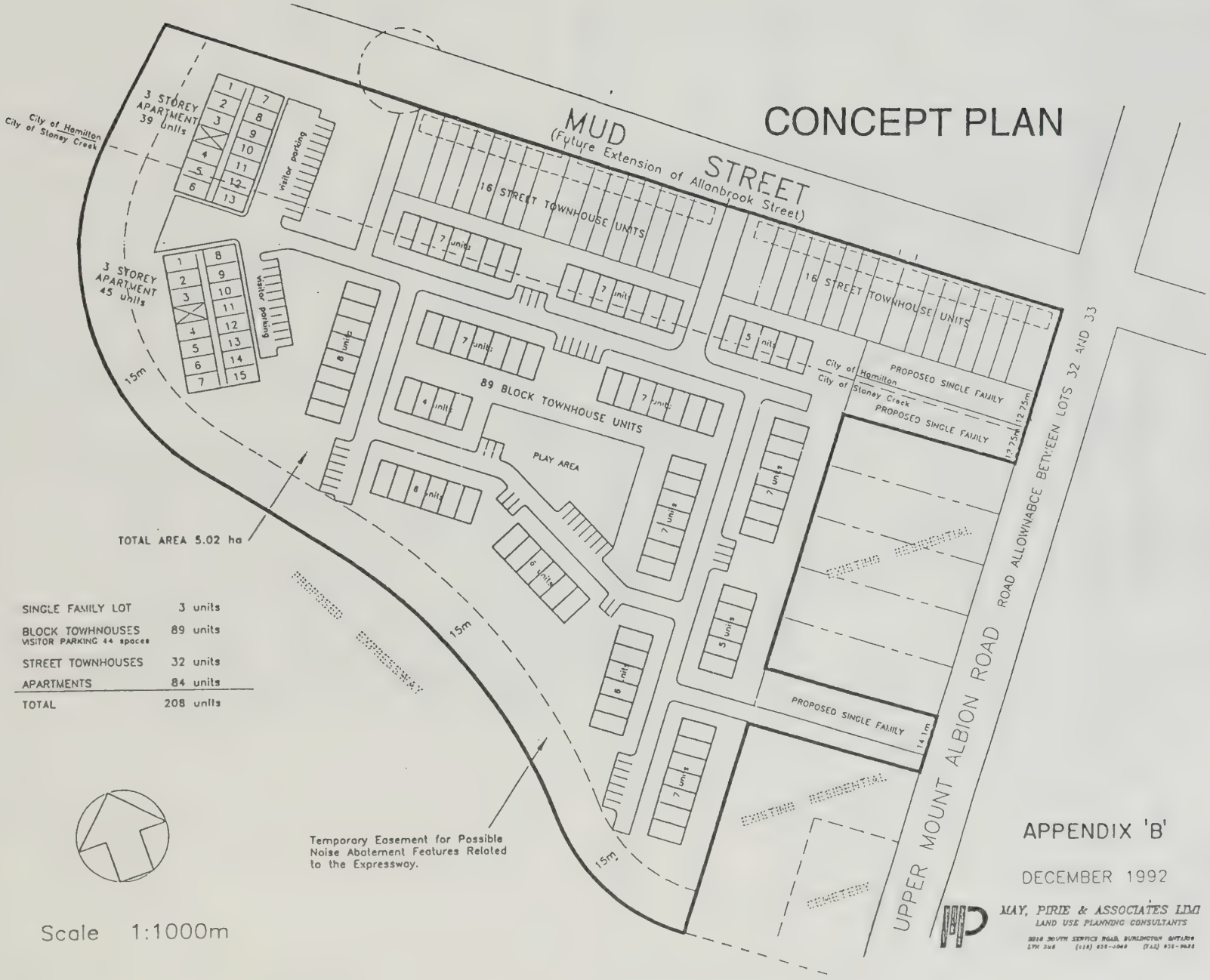


Legend

Proposed change in zoning from:

BLOCK 1	"AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
BLOCK 2	"AA" (Agricultural) District to "RT-30" (Street Townhouse) District.
BLOCK 3	"R-4" (Small Lot Single-Family Detached) District to "RT-20" (Townhouse - Maisonette) District.
BLOCK 4	"R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District.
BLOCK 5	"R-4" (Small Lot Single-Family Detached) District to "DE-3" (Multiple Dwellings) District.

APPENDIX A



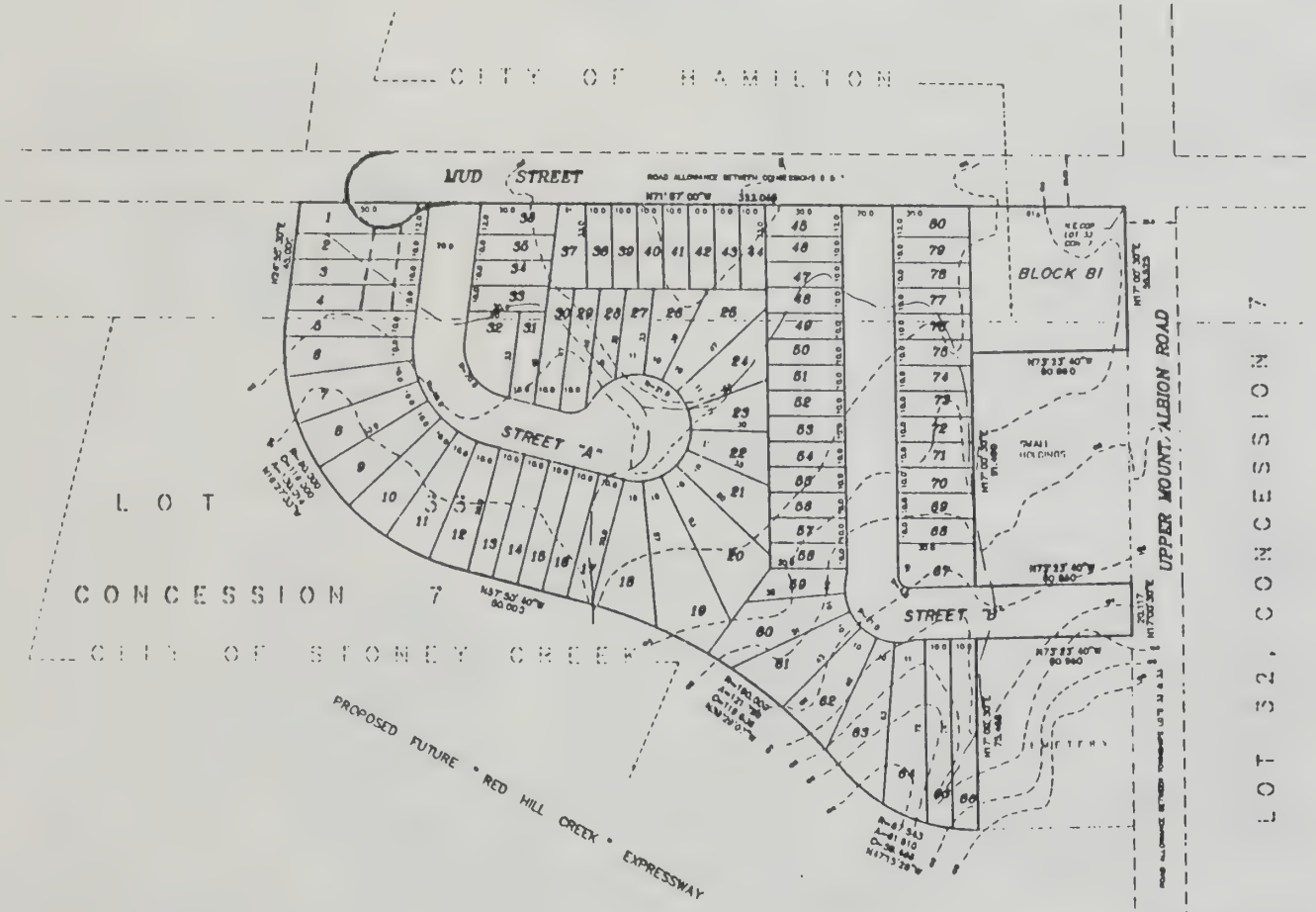
SINGLE FAMILY LOT	3 units
BLOCK TOWNHOUSES VISITOR PARKING 44 spaces	89 units
STREET TOWNHOUSES	32 units
APARTMENTS	84 units
TOTAL	208 units

APPENDIX 'B'

DECEMBER 1992

MAY, PIRIE & ASSOCIATES LTD
LAND USE PLANNING CONSULTANTS
3010 SOUTH SERVICE ROAD, BURLINGTON, ONTARIO
L7N 3J6 (416) 632-1060 (TAL) 632-1060

25T-88028





KEY PLAN

METRIC NOTE

OWNER'S CERTIFICATE

SURVEYOR'S CERTIFICATE

SCHEDULE : RE : SECTION 50(2)

TOTAL AREA : 8.022 HECTARES

DRAFT PLAN OF
REDHILL VISTA
BEING A PROPOSED SUBDIVISION OF PART OF
LOT 33 , CONCESSION 7
FORMERLY IN THE TOWNSHIP OF SALTFLEET
NOW PARTLY IN THE
CITY OF STONEY CREEK
AND PARTLY IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE : 1: 1000

JOHN P. NOUWENS , O.L.S.-1569.

ASHENHURST NOUWENS LIMITED
Professional Engineers & Ontario Land Surveyors
301-318 YORK BLVD
HAMILTON, ONTARIO L8R 3K5
(416) 528-8761
(416) 529-4716
FAX(416) 529-6691
BRANCH OFFICE
984 MAIN STREET EAST
MILTON, ONTARIO L9T 1N7
(416) 878-7110

APPENDIX C

ROADS DEPARTMENT

MEMORANDUM

****

TO: P. Mallard
Division Head, Land Use and Urban Design
Department of Planning & Development

YOUR FILE: ZA-92-55

FROM: E. P. Chajka, P. Eng.
Manager of Development
Roads Department

OUR FILE: E220-0104
PHONE: (416) 546-2809

SUBJECT: Zoning Application 92-55 by
Luval Enterprises Limited for the
District Block "5", for Lands Located
South of Mud Street and East of the Proposed
Red Hill Creek Expressway

DATE: 1993 March 25

Our comments to the City of Stoney Creek dated February 23, 1993, are applicable to this application (copy attached).

CAU
attach.

cc: R. Douglas, Surveys

APPENDIX D

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
Transportation / Environmental Services Group

Roads Department
71 Main Street West, Hamilton, Ont. L8N 3T4

Tel. (416)546-4170
Fax (416)526-6665

E220-0104

February 23, 1993

Our File: S718-61
Att: D. Christilaw
Your File: 075-1469

The City of Stoney Creek
777 Highway No. 8
P.O. Box 9940
Stoney Creek, Ontario
L8G 4N9

Att: Steve Miazga, M.C.I.P.

Re: **Application by Luval Enterprises Ltd.**
Mud Street & Upper Mount Horning Road
Hamilton and Stoney Creek

Dear Mr. Miazga;

This is in reply to your request for comments concerning the proposed development for 3 single family units, 84 apartment units, 89 block townhouse units and 32 Street townhouse units on the above noted lands. For your information these comments will also apply to the current City of Hamilton Zoning Application **ZA 92-55** which applies to a portion of the subject lands. Please note the following:

1) The lands can be serviced to existing sanitary and storm sewers on Mud Street and Upper Mount Albion Road as shown on the attached sketch.

2) The Region will require the applicant to dedicate a 9 metre easement through the subject lands to provide for future sewers which will extend southerly from the subject lands. Two optional locations are noted on the attached plan and could be adjusted to suit the final layout of the buildings. The owner may choose the route which is the most suitable to their development proposal. Option 2 is obviously the shortest and most likely the most economical, however the applicant may find that this option conflicts with the layout of the proposed apartment building and townhouse units adjacent to the proposed easement. If Option 1 is chosen, the portion of the sewers on Mud Street will require approvals under the Local Improvement Act and from Regional Council. The applicant will be required to construct sewers over one of the easements to the southerly limit of their lands at the time of development and at the applicants expense.

3) Watermains are existing on Upper Mount Albion Road for servicing the abutting lands. No watermains exist on Mud Street abutting the property.

cont'd ...

The owner should be advised that a watermain will be required to be constructed on Mud Street to provide adequate service for the entire site. The proposed watermain on Mud Street must also be approved under the Local Improvement Act and requires Regional Council approval before the Region could proceed to have the watermain constructed. Final approval for this development should not be given until the watermain issues have been resolved.

4) Due to the controversial and uncertain status of the proposed "Red Hill Creek Expressway" in this area, the applicant should be advised that there are a number of concerns that may affect the layout and grading of this development. These include, but are not limited to the following:

i) The applicant will be required to dedicate to the Region as a condition of development approval, a 15 metre wide Berm and Noise Barrier Easement along the entire portion of the site that abuts the Expressway.

ii) It is current Regional policy to provide noise attenuation for the rear yard outdoor living areas for existing residential development where it is economically, aesthetically and administratively feasible. However, due to the proposed alignment and grade of the adjacent Expressway ramp it may not be feasible for the Region to provide economical noise attenuation. As a result, the applicant may be required to provide at their expense, the noise attenuation measures required to bring any noise levels emanating from the proposed expressway, to a level that is considered acceptable by the Ministry of the Environment.

iii) A grading plan should be submitted to the Region for approval as a condition of the site plan approval process. The applicant should also be advised that the subject lands may require substantial regrading to match the proposed grades of the adjacent expressway ramp so that some noise attenuation measures may be implemented.

iv) It is the recommendation of the Region's Special Projects Office (staff dealing with the Expressway development), that any proposed plan should only have access roads, parking lots and the front yards adjacent to or facing the Expressway to act as buffer zones. On-site noise attenuation should be provided for the rear yard living areas.

5) We would like to remind you that current Regional policy has placed a freeze on new development in this area which would continue to apply until either the "Red Hill Creek Expressway" issue is resolved, or Regional Council changes the policy. For your information, this policy is currently being reviewed by various Regional Committees and a new resolution may be forthcoming in the next few months.

cont'd ...

February 23, 1993

Application by Luval Enterprises Ltd.
Mud Street & Upper Mount Horning Road
Hamilton and Stoney Creek

6) The proposed driveway access fronting onto Upper Mount Albion Road adjacent to the proposed single family lot as shown on the proposed site plan appears to be too narrow to permit proper two-way passage of vehicles to the site. This office is currently discussing this situation with Stoney Creek's Engineering Department.

7) The applicant will require Building Line and Access Permits prior to development of the site.

8) The applicant will be required to satisfy the Region's requirements previously noted under the approved draft plan submission for "Red Hill Vista" subdivision which include the following:

   i) Dedicate sufficient lands to the Region for the proposed cul-de-sac bulb near the westerly limit of the subject lands. The proposed cul-de-sac is to be established at a 15 metre radius with 9 metre transitions from the existing Mud Street property lines. The cul-de-sac is to be located at the westerly limit of this site, at the proposed termination of Mud Street.

   ii) No building permits, sewer or water permits will be issued for those lots fronting on Mud Street until the existing portion of Mud Street is closed and re-aligned. This will be a condition included in the Subdivision/ Service Agreement required at the time of development.

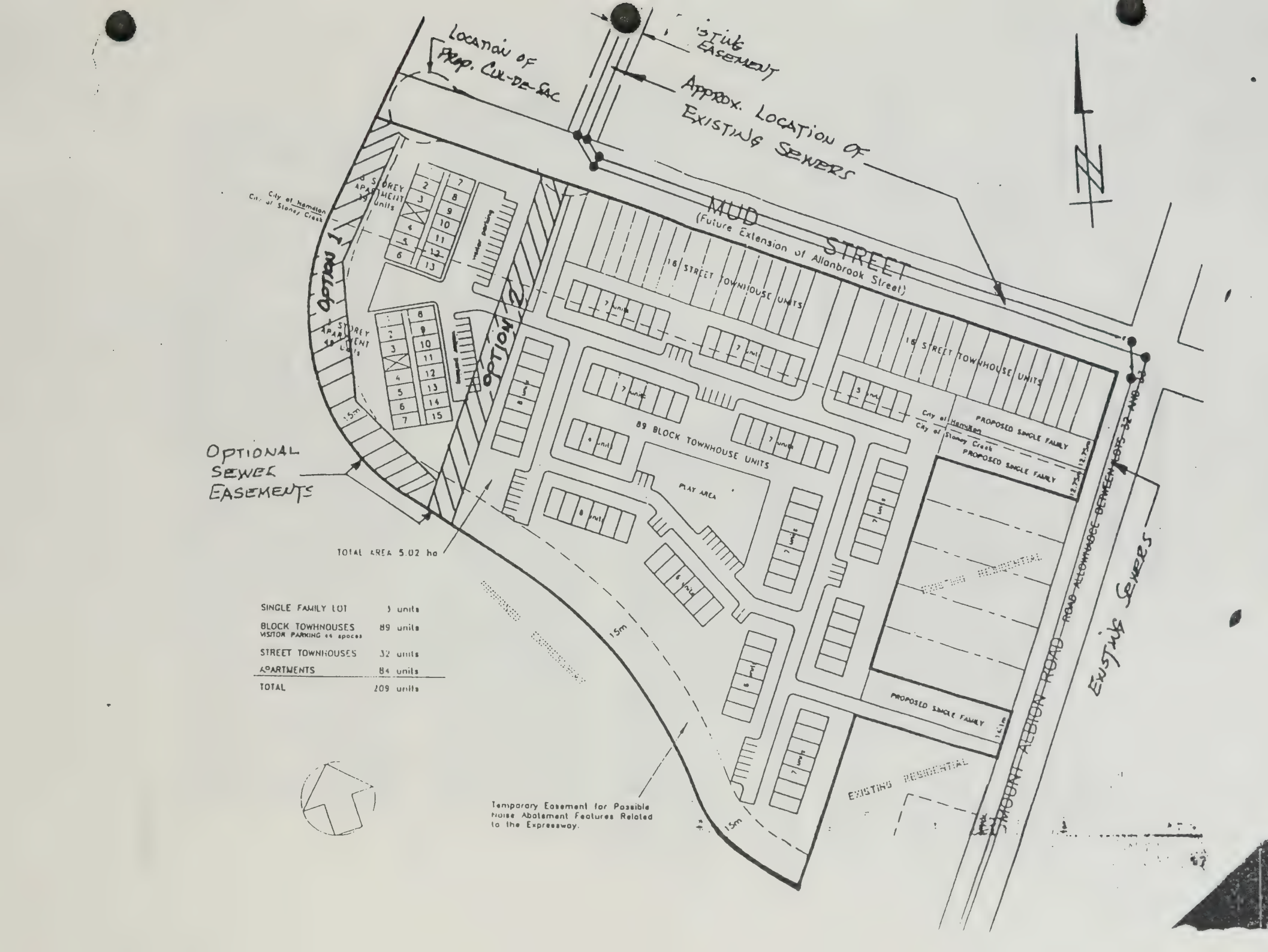
   iii) The applicant will only be permitted one access onto Mud Street from the site prior to Mud Street being closed. This access will be limited to the most westerly access to the site from Mud Street.

   iv) The applicant will be required to enter into a Subdivision/Service agreement with the Region prior to the development of the subject lands.

9) For the information of the applicant, Mud Street, between the Expressway and Upper Mount Albion Road is proposed to be transferred to the City of Stoney Creek after it has been closed. Stoney Creek may require this roadway to be upgraded to an urban roadway section and the applicant may be required to pay for these costs in conjunction with the development of their lands.

Doug Christilaw, C.E.T.
Subdivision Administrator

cc: V. Abraham, Local Planning, City of Hamilton


Location of Prop. Cul-de-sac
Approx. Location of Existing Sewers
MUD
(Future Extension of Allanbrook Street)
STREET
Option 1
Option 2
6 STOREY APARTMENT 84 Units
16 STREET TOWNHOUSE UNITS
16 STREET TOWNHOUSE UNITS
89 BLOCK TOWNHOUSE UNITS
PLAY AREA
PROPOSED SINGLE FAMILY
PROPOSED SINGLE FAMILY
PROPOSED SINGLE FAMILY
EXISTING RESIDENTIAL
EXISTING RESIDENTIAL
ALLANBROOK ROAD
Existing Sewers
City of Hamilton
City of Stoney Creek
OPTIONAL SEWER EASEMENTS
TOTAL AREA 5.02 ha
SINGLE FAMILY LOT 3 units
BLOCK TOWNHOUSES 89 units
VISITOR PARKING 44 spaces
STREET TOWNHOUSES 32 units
APARTMENTS 84 units
TOTAL 209 units
Temporary Easement for Possible Noise Abatement Features Related to the Expressway.
15m
15m
15m

JUN 03 1993

ROADS DEPARTMENT

MEMORANDUM

TO: P. Mallard
Division Head, Land Use and Urban Design
Department of Planning & Development

YOUR FILE:

FROM: E. P. Chajka, P. Eng.
Manager of Development
Roads Department

OUR FILE: E220-0104
PHONE: (416) 546-2809

SUBJECT: Zoning Application 92-55
Luval Enterprises Limited for the
District Block "5", for lands located
South of Mud Street and East of the
Proposed Red Hill Creek Expressway

DATE: 1993 June 1

We refer to our previous letter dated March 25,1992 with respect to the above application. As you may be aware, there have been meetings between staff and the owners' agents with respect to the details of development on these lands and we now provide the following updated comments:

1. Regional Council has placed a freeze on new development in this area which is still in effect today. Accordingly the number of residential units in this revised development proposal cannot exceed the number of residential units previously approved under Red Hill Vista draft plan of subdivision. Although this moratorium on development is under review, it remains in effect until Regional Council changes the policy. Therefore any development approvals must be phased/staged in accordance with this policy.

2. We have reviewed the Traffic Generation study prepared by Parker Consultants and do not concur with the conclusions in the report. According to our information and design guidelines, any development of these lands for residential purposes without roadway improvements on Mud Street, would have serious implications on the through traffic movement. Since the timing of the Freeway Interchange and the Mud Street Re-alignment has not been finalized to date, these roadway improvements to existing Mud Street should be included as a condition of this development approval. Further, as these improvements are required directly as a result of this development and as there are no plans in the future to improve the capacity of this section of Mud Street, roadway improvement costs for this left-turn lane should be at the sole expense of the applicant/owner.

continued...

continued...

3. At the staff meeting held on May 26, 1993, staff of the City of Stoney Creek expressed concern that at such time as this section of Mud Street reverts to local jurisdiction that there will only be one access into this development at the intersection of Mud Street and Upper Mount Albion Road. It is their opinion that two access points should be provided and that the approval of this development and the closure of Mud Street should be integrated with a plan to provide a second street access, south of Mud Street to Paramount Drive.

4. As was noted previously, the cul de sac bulb on Mud Street must be constructed offset to the south side of Mud Street at a 15m radius with a 9m radius transition out of the bulb.

5. Further details on the access to Upper Mount Albion Road and the residential lot must still be resolved since it is our opinion that a 6m width driveway is insufficient to provide proper access to this development.

6. All our previous comments in our previous letter dated March 25,1993 are still applicable.

Should you require further information on these matters, please contact Mr. H. Groen of this Office at 546-4278.

HNG

cc: City of Stoney Creek
Att: Mr. Steve Miazga

cc: Roland Karl, Traffic Department

cc: Gary Moore, Special Projects Office

cc: Doug Christilaw, Roads Department

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
Transportation / Environmental Services Group

Roads Department
25 Main Street West, Suite 1000
Hamilton, Ontario L8P 1H1

Tel. (416) 546-4277
Tel. (416) 546-2380
Fax (416) 546-2385

MEMORANDUM

TO: Harold Groen
Development Co-ordinator
(Transportation)
Programming & Development
Roads Department

YOUR FILE:

FROM: Gary Moore, Manager of Engineering
Predesign & Special Projects Division

OUR FILE: 80.15.15
PHONE: 2382

SUBJECT: ZA 92-55 - Luval Enterprises Ltd.

DATE: May 28, 1993

* * * \

Ultimate Road System

The City of Hamilton Council, City of Stoney Creek Council, and the Region of Hamilton-Wentworth Council all support the construction of the Red Hill Creek Expressway and the realignment of Mud Street.

The Mud Street interchange of the East-West Expressway will be situated west of the Luval Enterprises Ltd. development.

Mud Street, in the future, will be realigned and function as a new arterial road. This new arterial road will be connected to the interchange. The portion of Mud Street abutting the proposed development will, in the future, become a local road (Allanbrook Street) and end in a cul-de-sac when the Red Hill Creek Expressway is built. Upper Mount Albion Road will end in a cul-de-sac north and south of the new realigned Mud Street.

With the implementation of the ultimate road system traffic from the Luval development will flow onto Allanbrook Street and Upper Mount Albion Road and travel east and north respectively, to the intersection of Allanbrook Street and Gatestone Drive. This intersection is located approximately 50 m east of the development site. Traffic can then proceed south to the realigned Mud Street with the option of accessing the Red Hill Creek Expressway, the proposed Core Area, or proceeding eastbound on Mud Street. Gatestone Drive will serve as a major neighbourhood collector road.

A copy of the future Mud Street interchange and Mud Street realignment plan is contained in the Appendix.

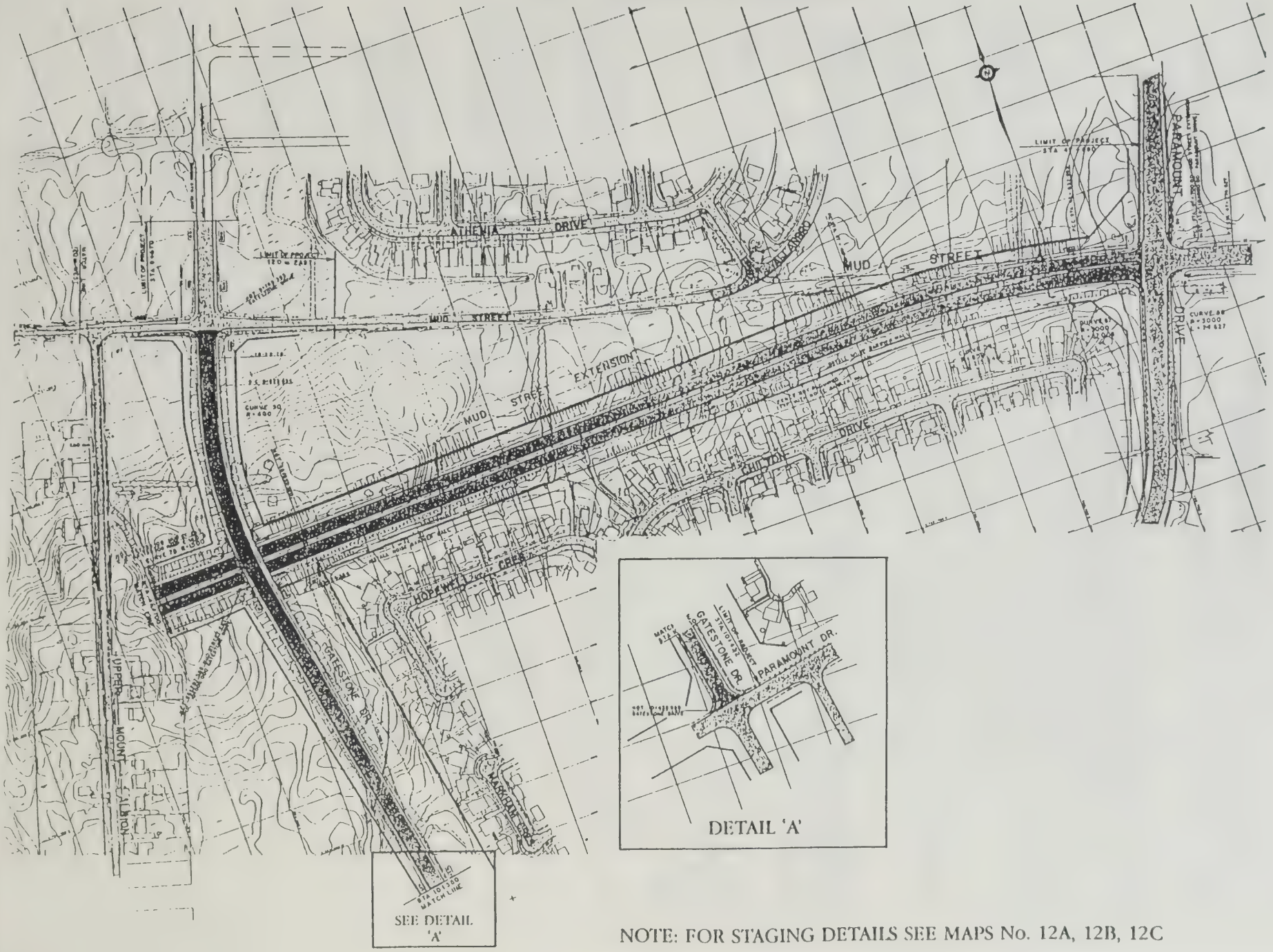
MAP No. 12

MUD STREET INTERCHANGE



NOTE: FOR STAGING DETAILS SEE MAPS No. 12A, 12B, 12C

MUD STREET EXTENSION



NOTE: FOR STAGING DETAILS SEE MAPS No. 12A, 12B, 12C

OFFICE OF THE REGIONAL CLERK

MEMORANDUM

TO: Mr. J. D. Thoms
Commissioner of Planning and Development
Planning and Development Department

FROM: Mrs. Mary Gallagher
Legislative Assistant
Office of the Regional Clerk
PHONE: (416) 546-4115

SUBJECT: **Economic Development and Planning Committee Report 18-91, Item 10**
DATE: 1991 December 19

Subjoined, please find Item 10 of Report 18-91 of the Economic Development and Planning Committee which was approved by Regional Council at its meeting held on Tuesday, December 17, 1991.

Would you please take the necessary steps to execute the directions of Regional Council with respect to this item.

:mg

10. Status Report of Amendments Nos. 23 and 33 and current restrictions on development in Heritage Green, City of Stoney Creek - Third Report (PLA 91-080)

a) That consideration of Amendments No. 23 and 33 to the Official Plan of the City of Stoney Creek to establish a Secondary Plan for Heritage Green be tabled until the findings of the study on cross escarpment transportation alternatives have been dealt with by Regional Council;

b) That, until this time, residential plans of subdivision and condominium within Heritage Green in the City of Stoney Creek, be subject to the following:

i) no further plans of subdivision be draft approved;

ii) plans of subdivision which have been draft approved, be permitted to proceed to final approval;

iii) plans of condominium be considered for draft approval where the property has been rezoned by the City of Stoney Creek to accommodate the proposed development and the owner has previously indicated an intention to develop the property as a condominium.

APPENDIX F

c) That a follow-up report pertaining to restrictions on development in Heritage Green in the City of Stoney Creek, be presented to the Economic Development and Planning Committee once Regional Council has dealt with cross escarpment transportation alternatives;

d) That the City of Stoney Creek, Ministries of Municipal Affairs, and Transportation, Bell Canada, Ontario Hydro, the Niagara Escarpment Commission, Hamilton-Wentworth Roman Catholic Separate School Board, Wentworth County School Board, and Union Gas, be notified of Regional Council's decision.

Item 4.2

3(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 May 19

RECEIVED

JUN 15 1993

CITY CLERKS

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: DESIGNATION OF 89-91 VINE STREET

RECOMMENDATION:

(a) That approval be given to the "Intent to Designate" 89-91 Vine Street as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983 as outlined in the Reasons for Designation attached hereto and marked as Appendix "A".

(b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

C Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

At its meeting held 1993 April 7, the Research Sub-committee agreed that the building was worthy of designation. The listed stone-fronted building at 89-91 Vine Street, erected in the mid-19th century as a semi-detached house, is one of few remaining examples in Hamilton of a semi-detached stone or stone-fronted house.

The Local Architectural Conservation Advisory Committee at its meeting held 1993 May 17 recommended designation. In response to a request from the Planning Department's Zoning Section for LACAC's comments on the application by the owner, Philpott Memorial Church, for rezoning to permit the site to be used for parking, the Committee recommended that the request for a change in zoning to "H" (Community Shopping and Commercial, etc.) be approved on the condition that the original stone fronted-building (excluding the concrete block addition) be preserved. Under the current "L-c" (Planned Commercial) Zoning, only the existing printshop use is allowed; any other use including parking, requires rezoning.

att.

c.c.: Mr. V. Abraham, Director of Local Planning
N. Chapple, Planning Department
P. Noe-Johnson, City Solicitor

REASONS FOR DESIGNATION

89-91 Vine Street

Context

This stone-fronted building, located on the south side of Vine Street between Park and Bay, was built in the late 1850s as a semi-detached house. It is now part of the property owned by Philpott Memorial Church, which encompasses the church itself at the north-west corner of York Boulevard and Park Street (built in 1907 as the Gospel Tabernacle) and adjacent parking areas.

The present setting of the building is a fragmented streetscape comprising a mix of industrial, commercial and residential buildings interspersed with vacant land. Its historic setting now survives (to any extent) only on the north side of the street, where a row of 19th and early 20th century buildings, including the former Hamilton Dairy, are still standing.

History

This semi-detached house was built as an investment property for John Glasgow, a Waterdown farmer, and was rented to numerous tenants for residential use. The house was converted to a printing establishment in 1949, when *Superior Printery Ltd.* leased the premises, and was subsequently enlarged by a rear addition. The building served as a printshop until 1992.

Architecture

89-91 Vine Street is one of few surviving examples in Hamilton of pre-Confederation stone architecture and is a rare example of a 1 1/2 storey, semi-detached stone or stone-fronted building. This two-family home is important as a relatively modest example of Hamilton's stone architecture, better known for its high-styled churches and grand mansions. Vernacular in style, 89-91 Vine Street is typical of the 1850s building period in its use of local stone ashlar for the street front, its unadorned but well-proportioned facade, and its raised basement (which often originally housed the kitchen). Noteworthy features also include the decorative stone corbels, the parapet end walls (characteristic of the semi-detached and row houses built

in Hamilton from the 1850s through the 1870s), the end doorways (more commonly located in the centre of a semi-detached house) and the dentil course beneath the front eaves.

The original building still retains its authentic appearance, except for the large concrete addition to the rear and minor alterations, such as the recent front steps and the up-dated doors and windows.

Designated Features

Important to the preservation of 89-91 Vine Street are the original features of the north (front), east and west facades, including the cut-stone masonry facade, the brick masonry parapet end walls, the original doorways and window openings, and the decorative wood dentil course and stone corbelling. Excluded are the concrete block rear addition and front steps.

3(b)

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
JUN 15 1993
CITY CLERKS

DATE: 1993 June 1
Central Neighbourhood
ZA-92-57

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in zoning - Nos. 89 - 91 Vine Street.

RECOMMENDATION:

A. That Zoning Application 92-57, Philpott Memorial Church, owner, requesting a change in zoning from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District to permit a parking lot or future expansion of the adjacent church, on lands known as 89-91 Vine Street, as shown on the attached map marked as APPENDIX "A", be DENIED on the following basis:

i) it conflicts with LACAC's approval of an "Intent to Designate" the front portion of the existing building at 89-91 Vine Street as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983; and,

ii) it conflicts with the intent of the Official Plan which supports the designation of buildings of historical and architectural significance that are worthy of preservation.

B. That approval be given to an amended Zoning Application 92-57, Philpott Memorial Church, owner, for a change in zoning from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District modified (Block "1") and to "H" (Community Shopping and Commercial, etc.) District (Block "2") to permit a parking lot or future expansion of the adjacent church, on lands known as 89-91 Vine Street, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "B", on the following basis:

i) That Blocks "1" and 2" be rezoned from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District;

ii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law 6593, applicable to Block "1", be modified to include the following variance as a special requirement:

a) Notwithstanding Section 14, the permitted uses shall only be allowed in the building existing at the date of the passing of this by-law.

iii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-4 be notated S- ;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4 for presentation to City Council; and,

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District, for property located at 89-91 Vine Street, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "B".

The effect of the By-law is to permit a parking lot or future expansion of the adjacent church. In addition, the by-law provides for the following modification as a special requirement on Block "1":

- the permitted uses shall only be allowed in the existing building.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant proposes to rezone the subject lands from an "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District for use as a parking lot for the adjacent church (Philpott Memorial Church) or future church expansion. The applicant has advised that it is their intent to demolish the existing two (2) storey building.

- Demolition Permit

  The Building Department advised that the applicant applied for a Demolition Permit on May 11, 1992, and it was subsequently issued June 3, 1993.

- Heritage Designation

  The Local Architectural Conservation Advisory Committee, on May 17, 1993, approved its intent to designate the front of the existing building at 89-91 Vine Street as a property of historical and Architectural value, pursuant to the Provisions of the Ontario Heritage Act, 1983.

- By-law 75-124

  City Council, on April 29, 1975, passed By-law 75-124 which rezoned the subject lands (amongst others) from "J" (Light and Limited Heavy Industry, etc.) District to"L-c" (Planned Development - Commercial) District. The effect of the By-law is to establish a holding zone for future commercial development. The By-law came into effect on May 31, 1977.

- By-law 76-197

  City Council, on June 29, 1976, passed By-law 76-197 which rezoned lands at No. 85 Park Street North (adjacent to the east) from "J" (Light and Limited Heavy Industry, etc.) District to "H" (Community Shopping and Commercial, etc.) District. These lands are presently used for parking for Philpott Memorial Church.

- By-law 77-145

  City Council, on May 31, 1977, passed By-law 77-145 which rezoned lands at Nos. 84 and 104 York Boulevard from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District and placed these lands under Development Control. This rezoning included lands occupied by Philpott Memorial Church.

- By-law 82-220

  City Council, on October 12, 1982, passed By-law 82-220 placing the lands at Nos. 84 to 104 York Boulevard under the provisions of Site Plan Control By-law 79-275.

- By-law 87-115

  City Council, on April 28, 1987, passed By-law 87-115 which rezoned lands at Nos. 77, 79 and 81 Park Street North owned by Philpott Memorial Church from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial) District. Two of these properties (Nos. 79 and 81 Park Street North) are presently used for parking for the church. Number 77 is used for church offices.

APPLICANT:

Philpott Memorial Church, owner.

LOT SIZE AND AREA:

- 16.764 m (55.0 ft.) of lot frontage on Vine Street;
- 26.517 m (87 feet) of lot depth; and
- 444.526 m^2 (4,785 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant 1 1/2 storey commercial building	"L-c" (Planned Development - Commercial) District
Surrounding lands		
to the north	one and two-family dwellings and commercial uses	"L-c" (Planned Development - Commercial) District
to the south	Christian Education building and Philpott Memorial Church	"H" (Community Shopping and Commercial, etc.) District and "H" (Community Shopping and Commercial, etc.) District, modified
to the east	single-family dwellings and a parking lot	"L-c" (Planned Development - Commercial) District
to the west	Salvation Army Garage/Warehouse	"L-c" (Planned Development - Commercial) District

OFFICIAL PLAN:

The subject lands are designated "CENTRAL POLICY AREA" on Schedule "A" Land Use Concept Plan of the Official Plan. The following policies, among others, would apply:

"A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:

i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan;

v) Major Institutional Uses such as, but not limited to, cultural facilities, health, welfare, educational, religious and governmental activities and related uses, and in keeping with the Major Institutional policies set out in Subsection A.2.6 of this Plan."

In addition, the following policies of Subsection A.2.2.- Commercial Uses are noted:

"A.2.2.4 The Central Policy Area will be promoted as the principal retail, business and service centre in the Region, and in the context of the overall COMMERCIAL structure of the City. Accordingly, the Central Policy Area will be considered to be the preferred location for the major concentration of COMMERCIAL USES in the City and in the Region. Policies for the Central Policy Area are detailed in Subsection A.2.8.

A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,

iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses."

The following policies of Subsection B.3.3 - Circulation and Movement should be noted:

"B.3.3.4 Council will require, that in all normal circumstances, a high standard will be maintained in accordance with current design practices for PARKING and loading facilities.

B.3.3.5 Council will require, as a condition of development or of redevelopment, that ingress and egress points of PARKING areas will be limited in number and designed to acceptable standards for traffic safety. Council will further encourage the sharing of access points by similar adjoining land uses, where practicable, to minimize traffic hazards on Major Roads.

B.3.3.6 Where necessary and feasible, off-street PARKING, driveways and/or loading areas adjacent to Residential Uses will be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment. All PARKING areas will be suitably surfaced to resist degradation from the elements or use and, where deemed appropriate, be illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land uses served thereby."

The following policies of Subsection C.6 - Historic and Architectural Resources should be noted:

"C.6.1 In accordance with the intent of the Regional Official Plan, Council will consult with the Local Architectural Conservation Advisory Committee to advise in matters relating to ARCHITECTURAL conservation. In particular, this Committee may be required to periodically identify and catalogue buildings of ARCHITECTURAL AND HISTORIC significance that are worthy of preservation through individual designation as Buildings of Historic or Architectural Value under the provisions of The Ontario Heritage Act.

C.6.6 Encouragement may be given to Commercial development schemes, in appropriate locations, proposed to incorporate a building, or group of buildings, with HISTORIC character or ARCHITECTURAL value, and to proposals which utilize buildings or lands serving obsolete functions and which are, therefore, under utilized or vacant."

On the basis of the foregoing, the proposal conflicts with the intent of Subsection C.6 of the Official Plan. If the application is approved however, an Official Plan Amendment is not required.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL and APARTMENTS" on the approved Central Neighbourhood Plan. The proposal does not conflict with the intent of the approved CENTRAL Neighbourhood Plan.

COMMENTS RECEIVED:

- The Building Department, Traffic Department, and the Hamilton Region Conservation Authority have no comments or objections.

- The Roads Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

According to our records the existing road allowance width of Vine Street is 20.12 m. Therefore, we do not anticipate any further road allowance widenings at this time.

In the absence of any details shown we advise that any works which may occur within the Vine Street road allowance must conform to the City of Hamilton Streets By-law.

According to our records, the alley adjacent and to the west of the subject lands has previously been closed and the alley to the east is private.

Comments from the City of Hamilton Traffic Department with respect to access and parking for the new lot should be considered. In order to maximize motorist sight lines in the access, any new access to Vine Street should be setback from the west property line."

- LACAC has made the following recommendation:

"That LACAC approve the request for a change in zoning to "H" (Community Shopping and Commercial, etc.) for the property at 89-91 Vine Street on the condition that the original stone-fronted building (excluding the concrete block building) be preserved."

LACAC has subsequently advised:

"...the Local Architectural Conservation Advisory Committee at its meeting held 1993 May 17 approved the following:

a) That approval be given to the "Intent to Designate" 89-91 Vine Street as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983; and,

b) That the City Solicitor be authorized to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

A report recommending designation of 89-91 Vine Street will be forwarded to the Planning and Development Committee for its 1993 June 23 meeting once the Reasons for Designation are finalized."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan however, approval of the application will not require an Official Plan amendment.

2. The proposal does not conflict with the intent of the approved Central Neighbourhood Plan.

3. The proposal as submitted can be supported in principle given:

   - it would implement the "L-c" (Planned Development - Commercial) District provisions which identifies the "H" (Community Shopping and Commercial) District as an appropriate commercial district;

   - it would implement the Central Neighbourhood Plan which designates these lands as "COMMERCIAL and APARTMENTS"; and,

   - the proposed uses (parking or future church uses) would not conflict with adjacent land uses.

   However, since LACAC has approved an "Intent to Designate" the front portion of the existing building as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, the proposal cannot be supported as it would necessitate the demolition of the entire building.

4. An amended application allowing the uses permitted in an "H" (Community Shopping and Commercial) District within the existing building on Block "1" (see APPENDIX "B" attached) can be supported on the following basis:

   - it supports LACAC's approval of an "Intent to Designate" the front portion of the existing building as a property of historical and architectural value; and,

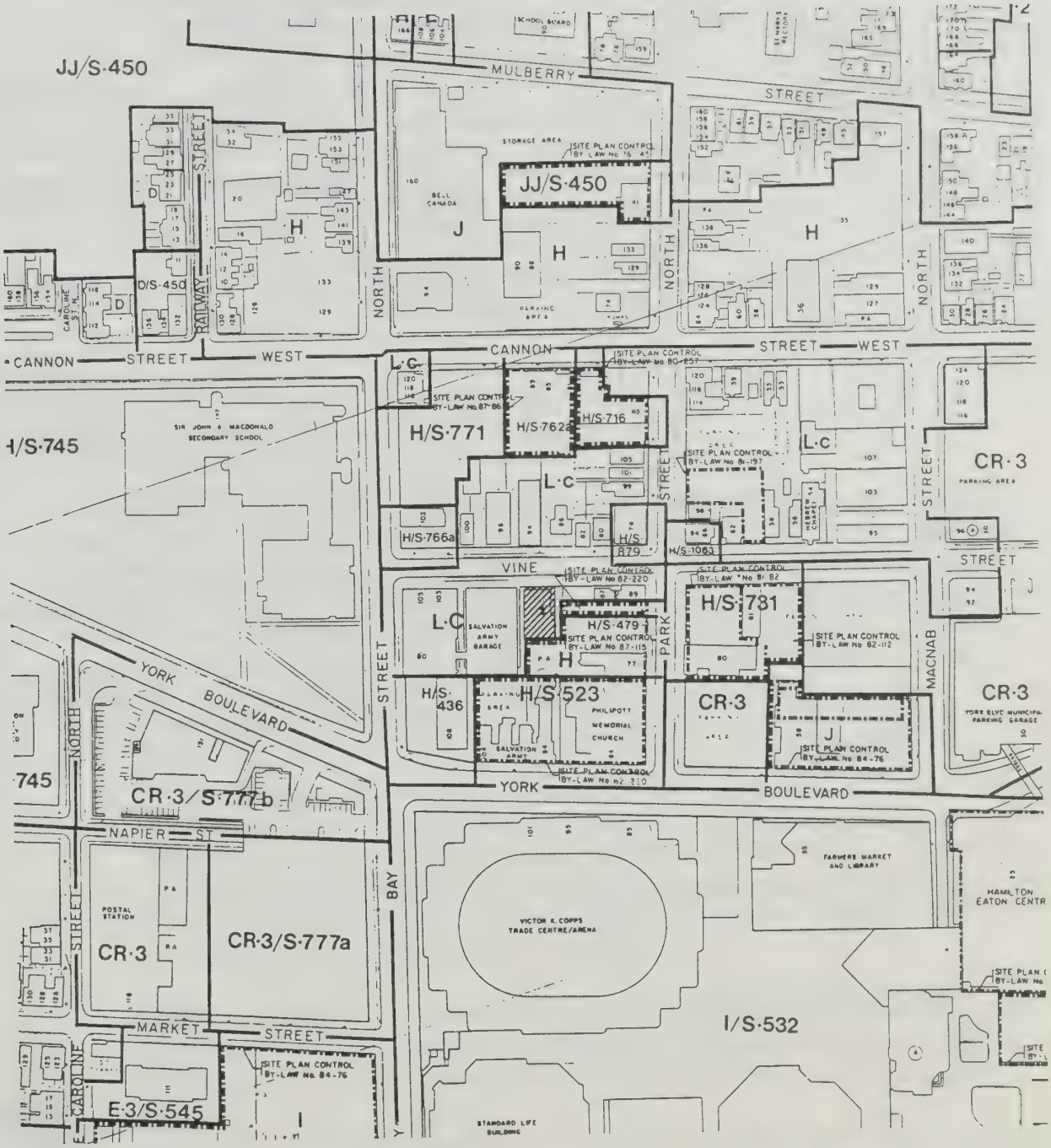
   - it complies with the intent of the Official Plan which supports the designation of buildings of historical and architectural significance that are worthy of preservation.

5. Should Council not approve LACAC's recommendation regarding the "Intent to Designate", then the entire property should be rezoned to "H" (Community Shopping and Commercial) District. In this regard, it is appropriate to recognize the recommendations regarding parking standards in the downtown core, and incorporate a 3 m landscape planting strip (excluding access driveways), along Vine Street into the implementing by-law by way of a variance.

CONCLUSION:

On the basis, of the foregoing, the application as submitted cannot be supported. However, consideration can be given to an amended application to allow the permitted uses in the front portion of the existing building on Block "1" (see attached APPENDIX "B").

CLF/
ZA-92-57

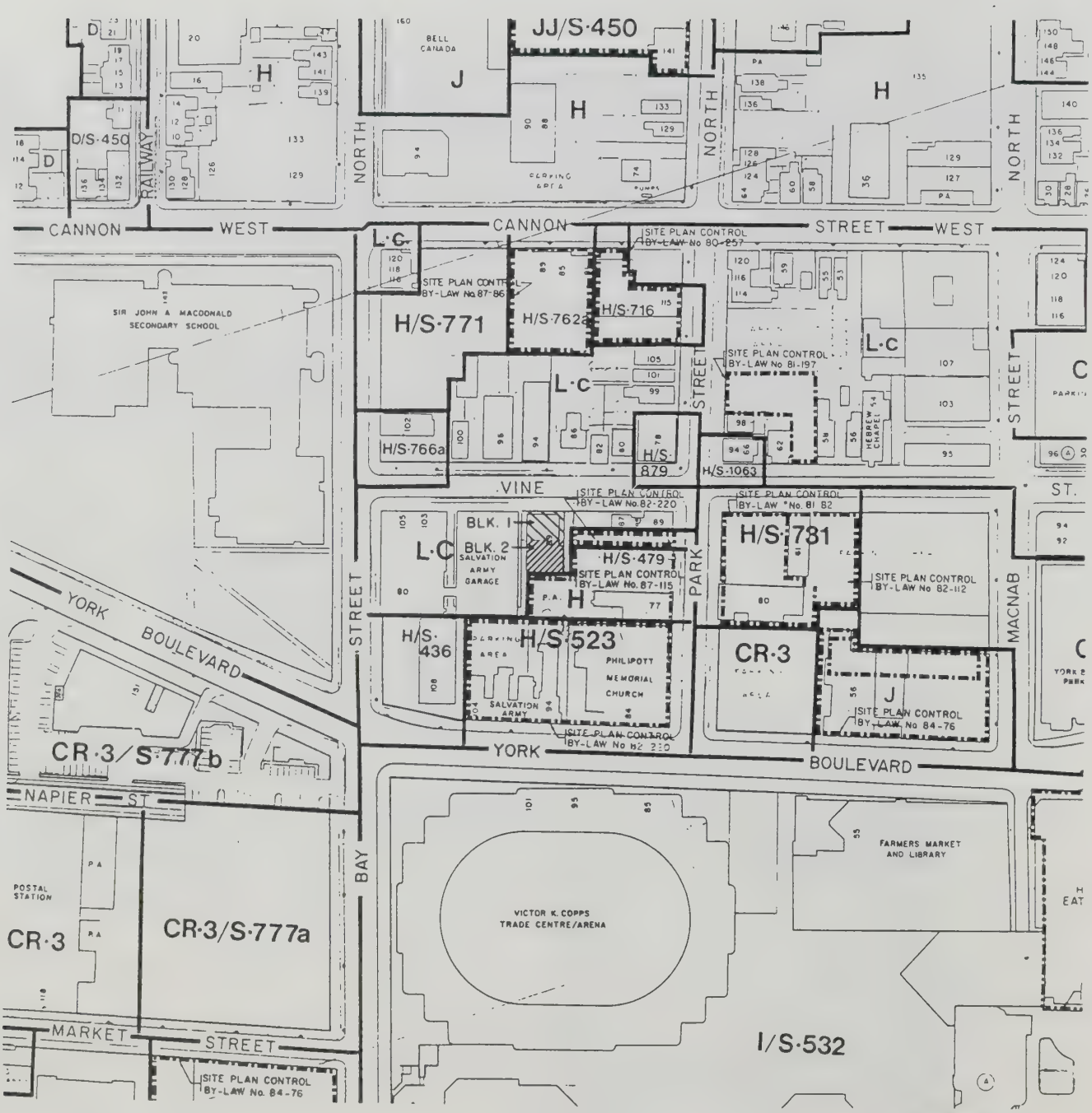


Legend

Site of the Application

ZA 92-57

APPENDIX



Legend

Proposed Change in Zoning from "L-c" (Planned Development - Commercial) District to:

BLOCK 1 — "H" (Community Shopping and Commercial, etc.) District, modified.

BLOCK 2 — "H" (Community Shopping and Commercial, etc.) District.

APPENDIX

CITY OF HAMILTON

- RECOMMENDATION -

4.

DATE: June 3, 1993
ZAC-93-01
Riverdale East Neighbourhood

RECEIVED
JUN 15 1993
CITY CLERKS

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in Zoning - for the property located at the rear of No. 1011 Queenston Road.

SECOND REPORT

RECOMMENDATION:

1. That Zoning Application 93-01, Adorn Investments Limited, owners and Valerie Fine, Trustee, for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for Block "1", from "AA" (Agricultural) District to "RT-30" (Street Townhouse) District for Block "2", from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District for Block "3", and from "R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District for Block "4", for property located at the rear of 1011 Queenston Road, shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

   i) The proposed street townhouses (Blocks "2" and "4") conflict with the intent of the Official Plan and the approved Riverdale East Neighbourhood Plan which designates these lands "SINGLE AND DOUBLE RESIDENTIAL". The Official Plan states that new development will comply with the approved Neighbourhood Plan and will contribute to the desired mix of housing, and that varieties of residential types will not be mixed indiscriminately;

   ii) Street townhouses (i.e. Block "2" and "4") would not be compatible with established and future intended development in the surrounding area which is predominately one and two-family dwellings to the north and the east; and,

   iii) Approval of the application could encourage other similar applications which, if approved, would undermine the intent of the Official Plan and approved Neighbourhood Plan.

2. That approval be given to an amended Zoning Application 93-01, Adorn Investments Limited, owners and Valerie Fine, Trustee for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for Block "1", and from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District for Block "2", for property located at the rear of 1011 Queenston Road, shown on the attached map marked as APPENDIX "B", on the following basis :

i) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

ii) That Block "2" be rezoned from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District;

iii) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:

a) That a landscape planting strip not less than 6.0 m wide shall be provided and maintained along the northerly limits of the "H" district lands where they abut the residential district to the north; and,

b) a visual barrier not less than 2.5 m in height shall be provided and maintained within the landscaped planting strip referred to in clause (a).

iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-124 and E-125 be notated S- ;

v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-124 and E-125 for presentation to City Council;

vi) That the approved Riverdale East Neighbourhood Plan be amended by deleting the proposed walkway along the easterly limits of Blocks "1" and "2";

vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

3. That Site Plan Control By-law 79-275, as amended by By-law 87-233, be amended by adding Block "2" to Schedule "A".

EXPLANATORY NOTE:

The purpose of the by-law is to provide for changes in zoning to from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for Block "1", and from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District for Block "2", for property located at the rear of 1011 Queenston Road, as shown on the attached map marked as APPENDIX "B".

The effect of the By-law is to permit the development of the subject lands for small lot single-family residential dwellings (Blocks "1"), and to permit commercial use of Block "2" in conjunction with the lands to the south fronting onto Queenston Road.

In addition, the By-law provides for the following variances as special requirements for Block "2":

- Requires a landscape planting strip not less than 6.0 m wide to be provided and maintained along the northerly limits of the "H" district lands where they abut the residential district to the north; and,

- Requires a visual barrier not less than 2.5 m in height to be provided and maintained within the landscaped planting strip referred to in clause (a).

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT: Adorn Investments Limited, owners and Valerie Fine, Trustee.

BACKGROUND:

- Proposal

The applicants have applied for changes in zoning for lands located at the rear of No. 1011 Queenston Road, as shown on Appendix "A", on the following basis:

Block "1" - from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

Block "2" - from "AA" (Agricultural) District to "RT-30" (Street Townhouse) District

Block "3" - from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District; and

Block "4" - from "R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District.

The purpose of the proposed changes in zoning is to permit development of Block "1" for small lot single-family detached dwellings; Blocks "2" and "4" for street townhouses; and to permit commercial use of Block "3" in conjunction with the lands to the south fronting onto Queenston Road (front of No. 1011 Queenston Road).

- Previous Meeting

  At the Public Meeting held on Wednesday, April 21, 1993 the application was **tabled** at the request of the applicant's solicitor.

LOT SIZE AND AREA:

- 81.8 m (268.5 ft.) width;
- 106.7 m (350 ft.) of lot depth; and,
- 0.856 ha (2.14 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant Lands and Bowling Alley	"AA" (Agricultural) District and "R-4" (Small Lot Single-Family Detached District
Surrounding Lands		
to the north	Single-Family Dwellings One and Two-Family Dwellings	"C" (Urban Protected Residential, etc.) District and "D" (Urban Protected Residential - One and Two-Family Dwellings and Townhouse, etc.) District - Modified.
to the south	Bowling Alley	General Commercial "GC" Zone - City of Stoney Creek
to the east	Vacant Lands	"AA" (Agricultural) District and "D" (Urban Protected Residential - One and Two-Family Dwellings and Townhouse, etc.) District - Modified.
to the west	Vacant Lands	"R-4" (Small Lot Single-Family Detached) District

OFFICIAL PLAN:

The subject lands are designated RESIDENTIAL and COMMERCIAL on Schedule A - Land Use Concept of the Official Plan. The northern portion of the subject lands are designated RESIDENTIAL. The following policies should be noted, with regard to the proposed residential uses:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

viii) Other similar actions or matters as Council may deem appropriate.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;

D.2.2 The detailed planning for the distribution and location of various land uses in each PLANNING UNIT will be determined or reviewed through the preparation of NEIGHBOURHOOD PLANS. In this regard, Council will ensure that all new development and/or redevelopment complies with the provisions of this Plan and the NEIGHBOURHOOD PLAN..."

The southern portion of the subject lands are designated COMMERCIAL on Schedule A - Land Use Concept of the Official Plan. Accordingly the following policies should be noted, with regard to the commercial proposal:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,

iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses."

It is the intent of the Official Plan that new residential development contribute to the desired mix of housing, and that varieties of residential types will not be mixed indiscriminately. Furthermore, it is also the intent of the Official Plan (policy D.2.2) that all development comply with the approved Neighbourhood Plan. The proposal does not comply with the approved Riverdale East Neighbourhood Plan, since the proposed street townhouses (Blocks "2" and "4")

are designated "SINGLE AND DOUBLE RESIDENTIAL". Based on the foregoing, the proposed "RT-30" (Street Townhouse) District conflicts with the intent of the Official Plan. However, if the application is approved, an Official Plan Amendment would not be required.

The proposed single-family and commercial development do not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "SINGLE AND DOUBLE RESIDENTIAL" for Blocks "1" and "4", "SINGLE AND DOUBLE RESIDENTIAL AND PROPOSED WALKWAY" for Block "2", and "COMMERCIAL - SPECIAL PROVISIONS AND PROPOSED WALKWAY" for Block "3", on the approved Riverdale East Neighbourhood Plan (See Appendix "A"). The proposal does not comply with the intent of the Plan. If approved, a redesignation to "ATTACHED HOUSING" for Blocks "2" and "4" and deletion of the proposed walkway would be required.

RESULTS OF CIRCULARIZATION:

- The following Agency and Departments have no comment or objection:
  - Building Department;
  - Traffic Department;
  - Ministry of Transportation;
  - Trans-Northern Pipelines;
  - Union Gas; and,
  - Hamilton Region Conservation Authority.

- The City of Stoney Creek has advised that:

  "The City of Stoney Creek Official Plan Policy A.3.3.2.7 requires that development and/or redevelopment of General Commercial Uses on Lands contiguous to the City of Hamilton along the north side of Queenston Road incorporate features such as screening, buffering and landscaping in order to minimize adverse effects on the existing and proposed adjoining residential uses.

  This policy is consistent with the regulations for landscaping of the General Commercial "GC" Zone of the City of Stoney Creek Zoning By-law No. 3692-92, which would require a minimum landscape strip of 4.5 metres adjacent to a non-commercial zone. Therefore, it is recommended that a minimum 4.5 metre landscape strip with appropriate planting and privacy fencing be provided adjacent to the proposed street townhouses.

  Staff also note that Zoning By-law No. 3692-92 requires that parking spaces for a bowling alley be provided at a rate of four spaces per alley which should be maintained.

  Planning staff would also recommend that the commercial property be subject to site plan control in Hamilton as the approval of this amendment may result in the expansion of a commercial parking lot."

- The Roads Department has advised that:

  "There are public watermains and combined storm and sanitary sewers available to service these lands."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan and with the intent of the approved Riverdale East Neighbourhood Plan, which designates Blocks "2" and "4" "SINGLE AND DOUBLE RESIDENTIAL" and "SINGLE AND DOUBLE RESIDENTIAL AND PROPOSED WALKWAY". If approved, a Neighbourhood Plan redesignation to "ATTACHED HOUSING" and deletion of the proposed walkway would be required. However, an Official Plan Amendment would not be required.

2. The proposal cannot be supported for the following reasons:

   - The proposed street townhouses (Blocks "2" and "4") conflict with the intent of both the Official Plan and the approved Riverdale East Neighbourhood Plan. In this regard, the Official Plan states that new development must comply with the approved Neighbourhood Plan, that residential development will contribute to the desired mix of housing, and that varieties of residential types will not be mixed indiscriminately. The proposed townhouses are designated "SINGLE AND DOUBLE RESIDENTIAL" in the approved Neighbourhood Plan, and are located mid-block in the interior of a neighbourhood, which does not represent an appropriate mix of housing types;

   - Street townhouses (Blocks "2" and "4") would not be compatible with existing and proposed residential development in the surrounding area, which is predominately one and two-family dwellings to the north, west and east; and,

   - Approval of the application could encourage other similar applications which, if approved, would undermine the intent of the Official Plan and the approved Neighbourhood Plan.

   However, an amended application to rezone the subject lands to "R-4" (Small Lot Single-Family Detached) District for Block "1", and to "H" (Community Shopping and Commercial, etc.) District for Block "2", shown on the attached map marked as APPENDIX "B", would be more appropriate given that:

   i) It does not conflict with the intent of the Official Plan;

   ii) It implements the proposed Neighbourhood Plan which designates these lands for "SINGLE AND DOUBLE RESIDENTIAL"; and,

   iii) It would be compatible with established and future intended development in the surrounding area which is predominately one and two family dwellings to the north and east.

3. Approval of the amended application would require the following variance as a special requirement associated with Block "2" on Appendix "B":

   - Buffering and Screening

     In keeping with the design requirements of the approved Riverdale East Neighbourhood Plan, a minimum 6.0 m wide landscape planting strip, and a visual barrier not less than 2.5 m in height within the landscaped planting strip should be provided along the northerly limits of Block "2".

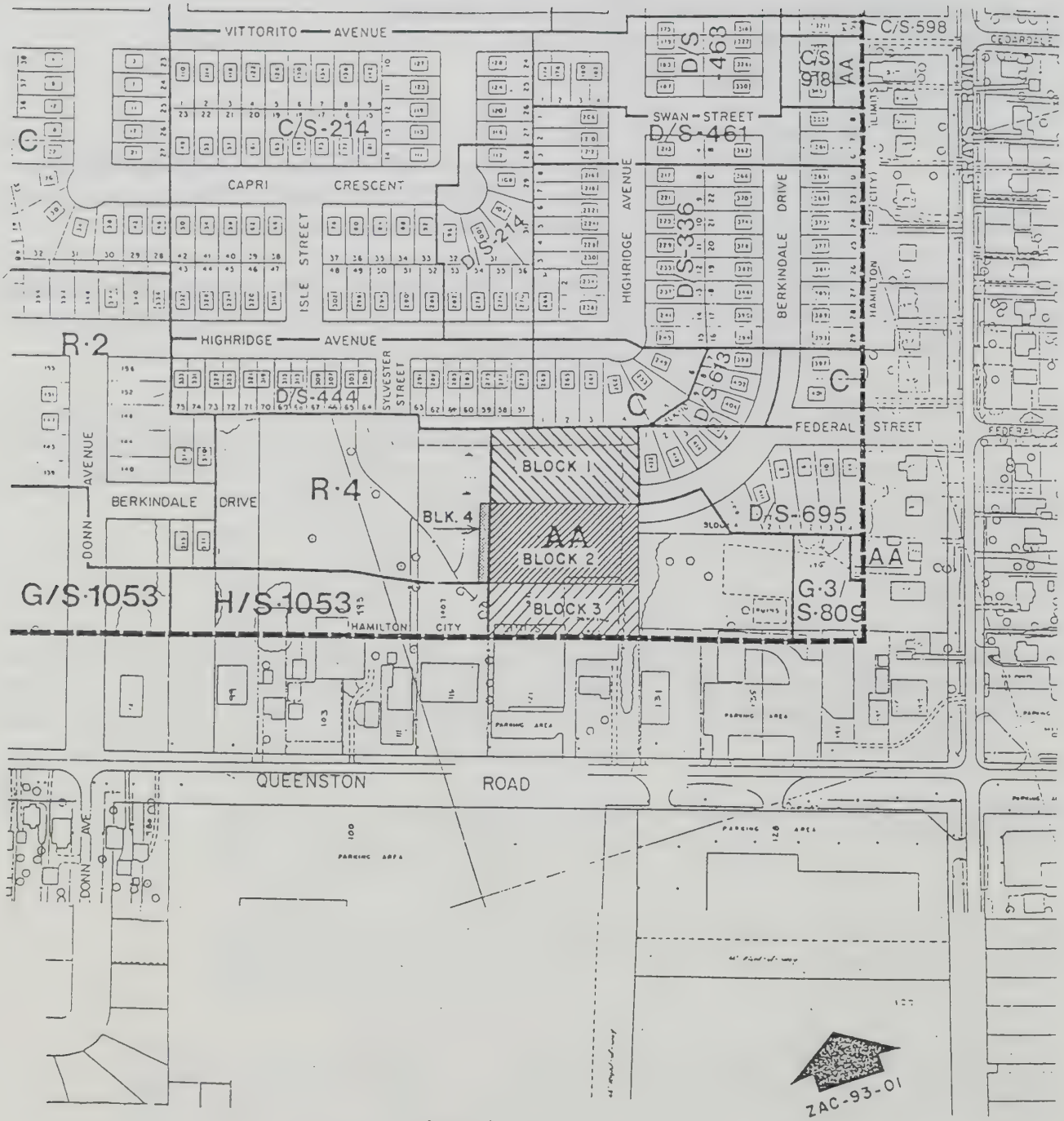
   Furthermore, it is recommended that the 10' walkway proposed on the Neighbourhood Plan at the southeast corner of Blocks "1" and "2" be deleted, as Federal Street currently provides adequate access to Queenston Road (via Grays Road).

4. The lands are not subject to Site Plan Control By-law 79-275, as amended by By-law No. 87-233. Thus it would be appropriate to place Block "2" under Site Plan Control so that matters such as the parking layout, grading, landscaping etc. can be reviewed and co-ordinated with the City of Stoney Creek.

CONCLUSION:

Based on the foregoing, the application as submitted cannot be supported. However, an amended application for "R-4" (Small Lot Single-Family Detached) District for Block "1", and "H" (Community Shopping and Commercial, etc.) District for Block "2" can be supported as shown on Appendix "B".

JL/
WPZAC9301

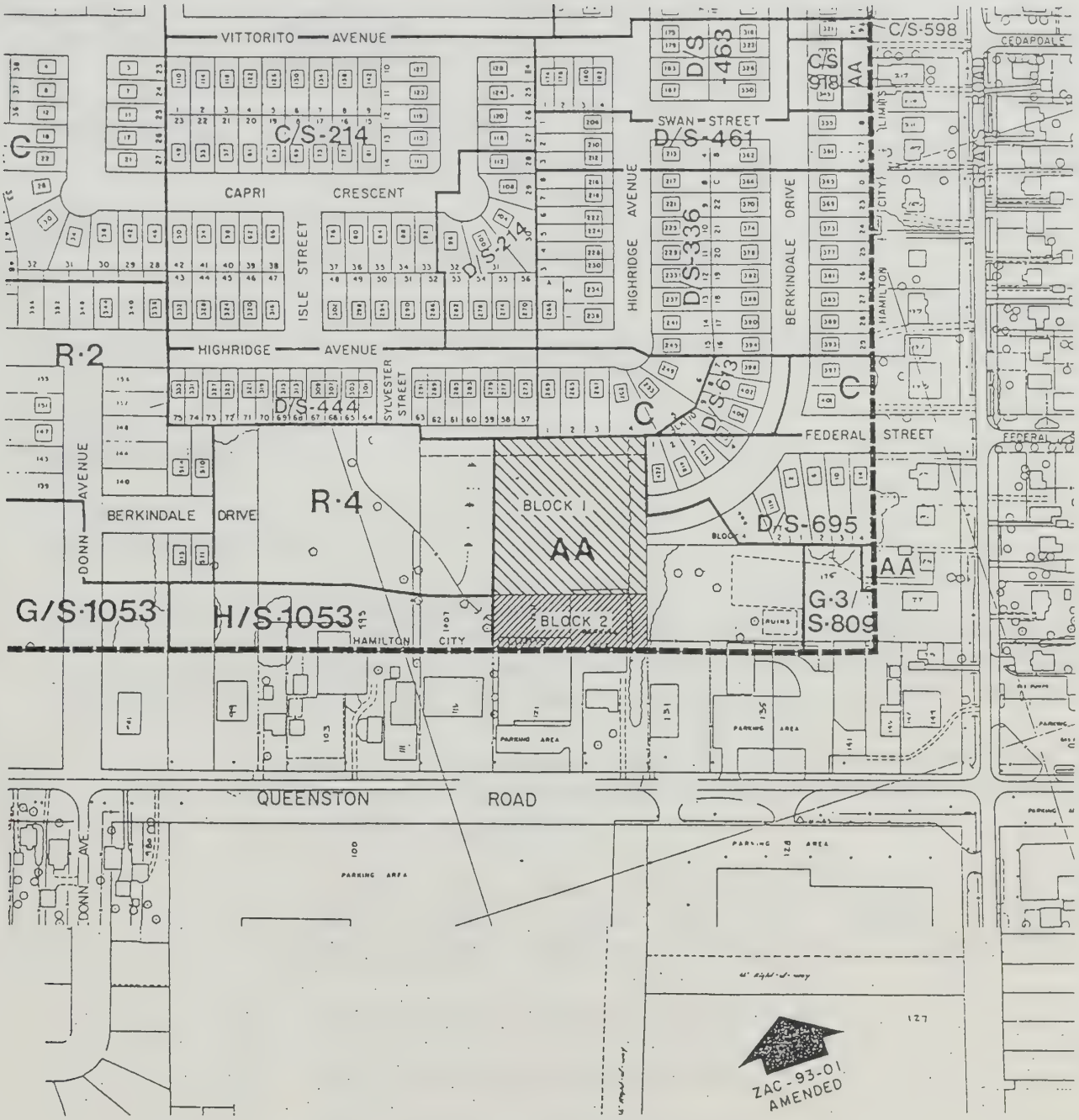


Legend

Proposed Change in Zoning From:

BLOCK 1		"AA (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.
BLOCK 2		"AA" (Agricultural) District to "RT-30" (Street Townhouse) District.
BLOCK 3		"AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District.
BLOCK 4		"R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District.

APPENDIX "A"



Legend

Proposed change in zoning from:

BLOCK 1		"AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.
BLOCK 2		"AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District, modified.

APPENDIX "B"

CITY OF HAMILTON

- RECOMMENDATION -

5.

DATE: 1993 June 14
CI-93-A

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

RECEIVED
JUN 15 1993
CITY CLERKS

SUBJECT: City Initiative 93-A respecting the review of townhouses in multiple dwelling districts.

SECOND REPORT:

RECOMMENDATION:

That approval be given to City Initiative 93-A to provide for a general text amendment to Zoning By-law No. 6593 by deleting townhouses and street townhouses as permitted uses in the "D" and "G" Districts; and by deleting townhouses, maisonettes and street townhouses as permitted uses in the "DE", "DE-2", "DE-3", "E", "E-1", "E-2" and "E-3" Districts, on the following basis:

i) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District requirements as set out under Section 10 of Zoning By-law No. 6593 be amended by:

a) deleting the word "Townhouses" from the district title so that it shall read as "(URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS, ETC.)";

b) deleting Section 10.(1)(iii) in its entirety; and

c) adding thereto the following subsection:

PRIOR EXISTING USES

(8) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-10" District provisions;

(ii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

ii) That the "DE" (Low Density Multiple Dwellings) District requirements as set out under Section 10A of Zoning By-law No. 6593 be amended by:

a) deleting Section 10A.(1)(v) in its entirety; and

b) adding thereto the following subsection:

PRIOR EXISTING USES

(8) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

iii) That the "DE-2" (Multiple Dwellings) District requirements as set out under Section 10B of Zoning By-law No. 6593 be amended by:

a) deleting Section 10B.(1)(v) in its entirety; and

b) adding thereto the following subsection:

PRIOR EXISTING USES

(9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

iv) That the "DE-3" (Multiple Dwellings) District requirements as set out under Section 10C of Zoning By-law No. 6593 be amended by:

a) deleting Section 10C.(1)(v) in its entirety; and

b) adding thereto the following subsection:

PRIOR EXISTING USES

(9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(10) Notwithstanding subsection (9), those lands located at Nos. 384-390 Limeridge Road East shall be deemed a "PRIOR EXISTING USE".

v) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District requirements as set out under Section 11 of Zoning By-law No. 6593 be amended by:

a) deleting Section 11.(1)(iia) in its entirety; and

b) adding thereto the following subsection:

PRIOR EXISTING USES

(9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

vi) That the "E-2" (Multiple Dwellings) District requirements as set out under Section 11B of Zoning By-law No. 6593 be amended by:

a) deleting Section 11B.(1)(v) in its entirety; and

b) adding thereto the following subsection:

PRIOR EXISTING USES

(9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(10) Notwithstanding subsection (9), those lands located at No. 1620 Upper Wentworth Street shall be deemed a "PRIOR EXISTING USE".

vii) That the "G" (Neighbourhood Shopping Centre, etc.) District requirements as set out under Section 13 of Zoning By-law No. 6593 be amended by adding thereto the following subsection:

PRIOR EXISTING USES

(7) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the By-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-10" District provisions;

(ii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(8) Notwithstanding subsection (7), those lands located at No. 2774 King Street East shall be deemed a "PRIOR EXISTING USE".

viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

ix) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a general text amendment to Zoning By-law No. 6593 to implement the intent of the Official Plan and approved Neighbourhood Plans with respect to the location of attached housing development (i.e. townhouses, maisonettes and/or street townhouses). Existing townhouse development will be recognized accordingly.

The effect of the By-law is to **delete townhouses and street townhouses** as permitted uses from the following zoning districts:

- "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District; and
- "G" (Neighbourhood Shopping Centre, etc.) District.

and, to **delete townhouses, maisonettes and street townhouses** as permitted uses from the following zoning districts:

- "DE" (Low Density Multiple Dwellings) District;
- "DE-2" (Multiple Dwellings) District;
- "DE-3" (Multiple Dwellings) District;
- "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
- "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District;
- "E-2" (Multiple Dwellings) District; and
- "E-3" (High Density Multiple Dwellings) District.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- At the February 3, 1993 meeting of the Planning and Development Committee, Aldermen expressed concern about the number of recent development proposals for townhouses on lands that are designated and/or zoned for multiple dwellings (e.g. Low Density Apartments and Medium Density Apartments).

  The Committee was advised that townhouse development was permissable due to the pyramidal structure of the Zoning By-law, in that each successive zoning district permits the uses of the preceding district. For example, the "E-2" District which is for Medium Density Apartments permits, among other uses, single-family dwellings, two-family dwellings, three-family dwellings, townhouses, maisonettes, street townhouses, and multiple dwellings (apartments). The purpose of the pyramidal structure of the By-law is to provide flexibility in zoning.

Consequently, a block of land that is designated for "Low Density Apartments" or "Medium Density Apartments" in an approved Neighbourhood Plan, and appropriately zoned (e.g. "DE", "DE-2", "DE-3", "E-2", "E", "E-1"), could be developed for townhouses. The Aldermen were concerned about this recent trend, particularly where such lands adjoin other properties which are designated and/or zoned for "Attached Housing" (e.g. townhouses). This results in long stretches of townhouse projects, sometimes on both sides of the street, which is visually unappealing.

- At its meeting of April 21, 1993, the Planning and Development Committee gave authorization to hold a Public Meeting to consider proposed changes to Zoning By-law No. 6593 respecting the location of townhouse development, and directed that the meeting be held in June 1993.

SITE INVENTORY:

An inventory of vacant designated and/or zoned lands for "Attached Housing", "Low Density Apartments", and "Medium Density Apartments" was undertaken for the South Mountain Area below Mohawk Road, the primary area of the City subject to new development (see APPENDIX "A"). It should be noted that the data from this inventory only includes those neighbourhoods which have approved plans.

With respect to "Attached Housing", there are **21** vacant sites designated/zoned for townhouse development (i.e. "D", "RT-10", "RT-20" and "RT-30", and **18** sites designated but not yet zoned (e.g. "AA", "L-mr-1"). These sites have a total area of approximately **123.41 ac.** and would yield about **1,598 units.**

For "Low and Medium Density Apartments" there are **11** vacant sites designated/zoned for apartment development (e.g. "DE-2", "DE-3", "E-2"), and **6** sites designated but not yet zoned (e.g. "AA", L"-mr-1"). These sites have a total area of approximately **53.68 ac.** and would yield about **1,662 units**. Notwithstanding the designation for apartments, **2** of these sites are pending Site Plan Applications for townhouse development and 1 has been recently approved for same, as follows:

- DA-92-65
  1620 Upper Wentworth Street

  The subject lands are designated for "Medium Density Apartments" in the approved Barnstown Neighbourhood Plan and zoned "E-2" (Multiple Dwellings) District. The proposed development under Site Plan Control Application DA-92-65 is for a **48 unit townhouse co-operative**.

  As illustrated on APPENDIX "B", the subject lands are adjoined by a townhouse project to the west ("RT-20") and street townhouses to the north of Essling Avenue ("RT-30").

  In addition, it is located opposite other townhouse projects along the east side of Upper Wentworth Street ("DE-3", "RT-20") in the Butler Neighbourhood.

  Two other sites in this neighbourhood were designated for "Low Density Apartments" but developed with townhouse projects. At the southwest corner of Upper Wentworth Street and Stone Church Road East, and at the southeast corner of Upper Wellington Street and Dragoon Drive (see APPENDIX "B").

As a result, no planned apartment development has taken place in the Barnstown Neighbourhood.

- DA-92-54
  384-390 Limeridge Road East

  As shown on APPENDIX "C", the subject lands are designated for "Low Density Apartments" in the approved Bruleville Neighbourhood Plan and zoned "DE-3" (Multiple Dwellings) District. This site was rezoned in 1987 (By-law No. 87-8) to permit the construction of a lodging house for the accommodation of 58 elderly persons.

  The current Site Plan Application is for the construction of **21 townhouse units.**

- DA-92-35
  55 Towercrest Drive

  As shown on APPENDIX "D", the subject lands are designated for "Medium Density Apartments" in the approved Jerome Neighbourhood Plan and zoned "E-2" (Multiple Dwellings) District. This site was rezoned in 1991 (By-law No. 91-72) on the basis of future proposed apartment development. The Site Plan Application is for an **83 unit townhouse project** and was approved by the Planning and Development Committee on February 17, 1993.

  The adjoining block of land to the west was rezoned at the same time for future townhouse development (i.e. "RT-20"). Site Plan Application DA-92-31 was approved on December 18, 1992, for the construction of a **64 unit non-profit townhouse project.**

OFFICIAL PLAN POLICY &
NEIGHBOURHOOD PLANNING IMPLICATIONS:

Notwithstanding the pyramidal structure of the Zoning By-law, the utilization of designated/zoned "Low Density and Medium Density Apartment" sites for townhouse development undermines the intent of the Official Plan and approved Neighbourhood Plans.

As set out under Policy A.2.1.8, it is the intent of the Official Plan "...that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable."

Furthermore, Policy D.2.2 states that "The detailed planning for the distribution and location of various land uses in each PLANNING UNIT will be determined or reviewed through the preparation of NEIGHBOURHOOD PLANS."

From a Neighbourhood Planning perspective, the development of designated and/or zoned apartment sites for townhouses has the following negative effects:

- **Change of Planned Neighbourhood Density**

  - not maximizing infrastructure put in place to support planned development;

- development pressures are created to utilize remaining densities on other sites in the neighbourhood which are not planned for such uses; and,

- doesn't support the concept of **Sustainable Development**, in that apartment sites are strategically located to encourage and support the location of other neighbourhood support services, including public transit.

• **Change of Planned Neighbourhood Mix**

- sites are planned for a gradation of housing types (e.g. single-family dwellings, townhouses, apartments) to meet the various household needs. Changes in planned housing types erodes this premise; and

- in keeping with the policies of the Official Plan, an attempt is made, through the preparation of Neighbourhood Plans, to provide for a variety of housing types and tenure in each neighbourhood. In this regard, apartment units are required to meet the housing needs of the growing number of households in the City, including senior citizens.

• **Change in Neighbourhood Design**

- apartment sites are provided to vary the form and appearance of the **streetscape** in order to create a vibrant and changing area. Rows of block townhouses are visually unappealing and create a **canyon effect**, thereby creating a negative image of the neighbourhood.

OPTIONS:

Potential options include:

1. **eliminate townhouses, maisonettes, and street townhouses** as permitted uses from the "Apartment" zoning districts (e.g. "DE", "DE-2", "DE-3", "E", "E-1", "E-2", "E-3"). Although this may be regarded as a form of downzoning, it provides the most direct means of protecting designated apartment sites for their future intended use. Applications for proposed townhouse development, or other lower density type residential uses, could be evaluated on their own merits on a site by site basis.

2. **site specific by-laws** could preclude attached housing forms of development at the time application(s) are made for rezoning designated "Low and Medium Density Apartment" sites. This option would have the effect of **"grandfathering"** those sites already zoned (e.g. "DE-2", "DE-3", "E-2"). The principal disadvantage of this option is that the majority of the apartment designated sites are already zoned (i.e. 11 of 17). Accordingly, the trend for townhouse development could continue unabated.

3. **maintain status quo**. This option accepts that the pyramidal structure of the by-law provides flexibility to developers in meeting changing market demands. The major disadvantage of this option is that sites for "Low and Medium Density Apartments" are selected on Neighbourhood design criteria, and once developed for lower order residential development are generally not replaced, consequently, the planned mix of residential types and densities is not achieved.

Furthermore, these sites generally adjoin other properties which are designated and/or zoned for "Attached Housing" (i.e. townhouses). Consequently, development of the apartment sites for townhouse projects results in an over-concentration of this form of housing in certain areas (e.g. Limeridge Road, Upper Ottawa, Upper Wentworth, Rymal Road).

OTHER MATTERS:

At its meeting of March 3, 1993, the Planning and Development Committee approved a number of Neighbourhood Plan Amendments as part of a "Housekeeping Review", including changing the **"Single & Double & Attached Housing"** designation to two separate designations (**i.e. "Single & Double" and "Attached Housing"**). Subsequently, this initiative was approved by City Council at its meeting of March 9, 1993.

In this regard, the "D" District under Zoning By-law 6593, which is essentially a one and two-family dwelling zone, also permits townhouses subject to the "RT-10" District provisions. In keeping with this recent amendment, it would be appropriate to delete townhouses as a permitted use from the "D" District.

This change will also affect the "G" (Neighbourhood Shopping Centre, etc.) District, in that it permits uses in the "D" District (e.g. townhouses).

It should be noted, that a Site Plan Application (DA-93-08) has been received for a proposed 43 unit condominium townhouse project on lands located at 2774 King Street East (see APPENDIX "E"). The subject lands are designated **"Commercial"** (i.e. Non-Highway Commercial) in the approved Gershome Neighbourhood Plan, and zoned "G" (Neighbourhood Shopping Centre, etc.) District, modified.

COMMENT:

From the above discussion, it would be appropriate to amend Zoning By-law 6593 to implement Option 1. This would result in the following changes:

1. Section 10 - "D" District

   That the heading be amended by deleting the word "Townhouses" so that it shall read as "(Urban Protected Residential - One and Two-Family Dwellings, etc.)".

   That Section 10.(1)(iii) be deleted.

2. Section 10A - "DE" District

   That Section 10A.(1)(v) be deleted.

3. Section 10B - "DE-2" District

   That Section 10B.(1)(v) be deleted.

4. Section 10C - "DE-3" District

   That Section 10C.(1)(v) be deleted.

5. Section 11 - "E" District

That Section 11.(1)(iia) be deleted.

6. Section 11B - "E-2" District

That Section 11B.(1)(v) be deleted.

Consequently, those lands which are designated for "ATTACHED HOUSING" in approved Neighbourhood Plans would require a "RT-10", "RT-20" or "RT-30" District zoning which appropriately reflects the intended use.

Upon the finalization of an implementing By-law, all existing townhouse, maisonette and street townhouse developments in the affected districts would become legal non-conforming. In order to facilitate the alteration, extension or enlargement of existing developments without the need for Committee of Adjustment approval or a zoning modification, it would be appropriate to grandfather "Prior Existing Uses". In this regard, the provisions of the applicable zoning district (i.e. "RT-10", "RT-20" or "RT-30") would apply.

With respect to by-law enforcement and administration, the Building Department has advised that only those sites for which a Site Plan has been approved and a Building Permit Application was made prior to the passing of the implementing By-law, would be able to continue with a townhouse, maisonette or street townhouse development under the original by-law regulations.

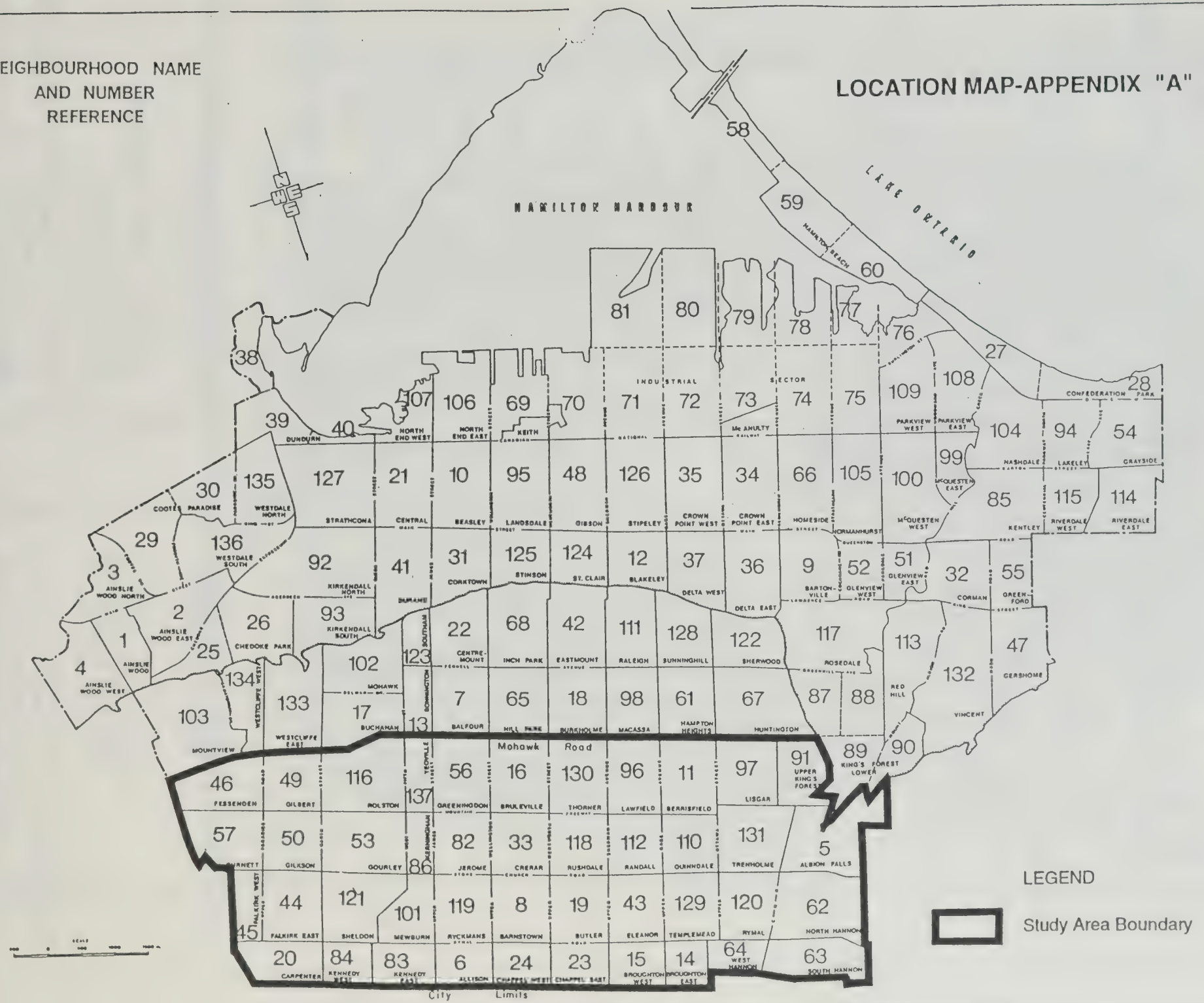
As previously noted, there are 3 proposed townhouse projects pending Site Plan approval (i.e. DA-92-65 No. 1620 Upper Wentworth Street; DA-92-54 Nos. 384-390 Limeridge Road East; DA-93-08 No. 2774 King Street East). Given their status, it would be appropriate to "grandfather" these projects on a site specific basis.

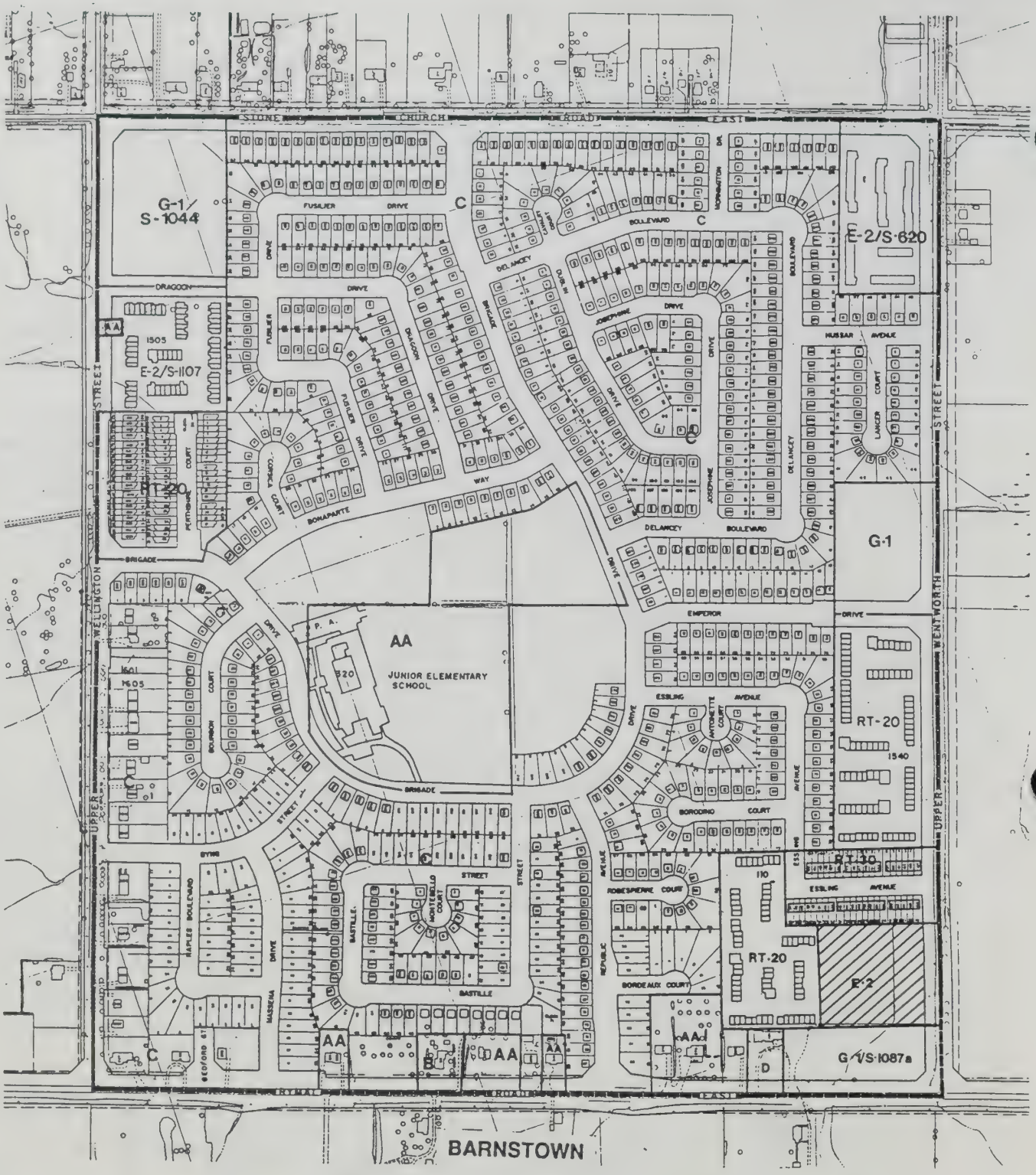
CONCLUSION:

Based on the foregoing, it would be appropriate to delete townhouses, maisonettes and street townhouses as permitted uses from the non-multiple dwelling districts (i.e. "D", "DE", "DE-2", "DE-3", "E", "E-1", "E-2", "E-3" and "G").

NEIGHBOURHOOD NAME AND NUMBER REFERENCE

LOCATION MAP-APPENDIX "A"





City of Hamilton

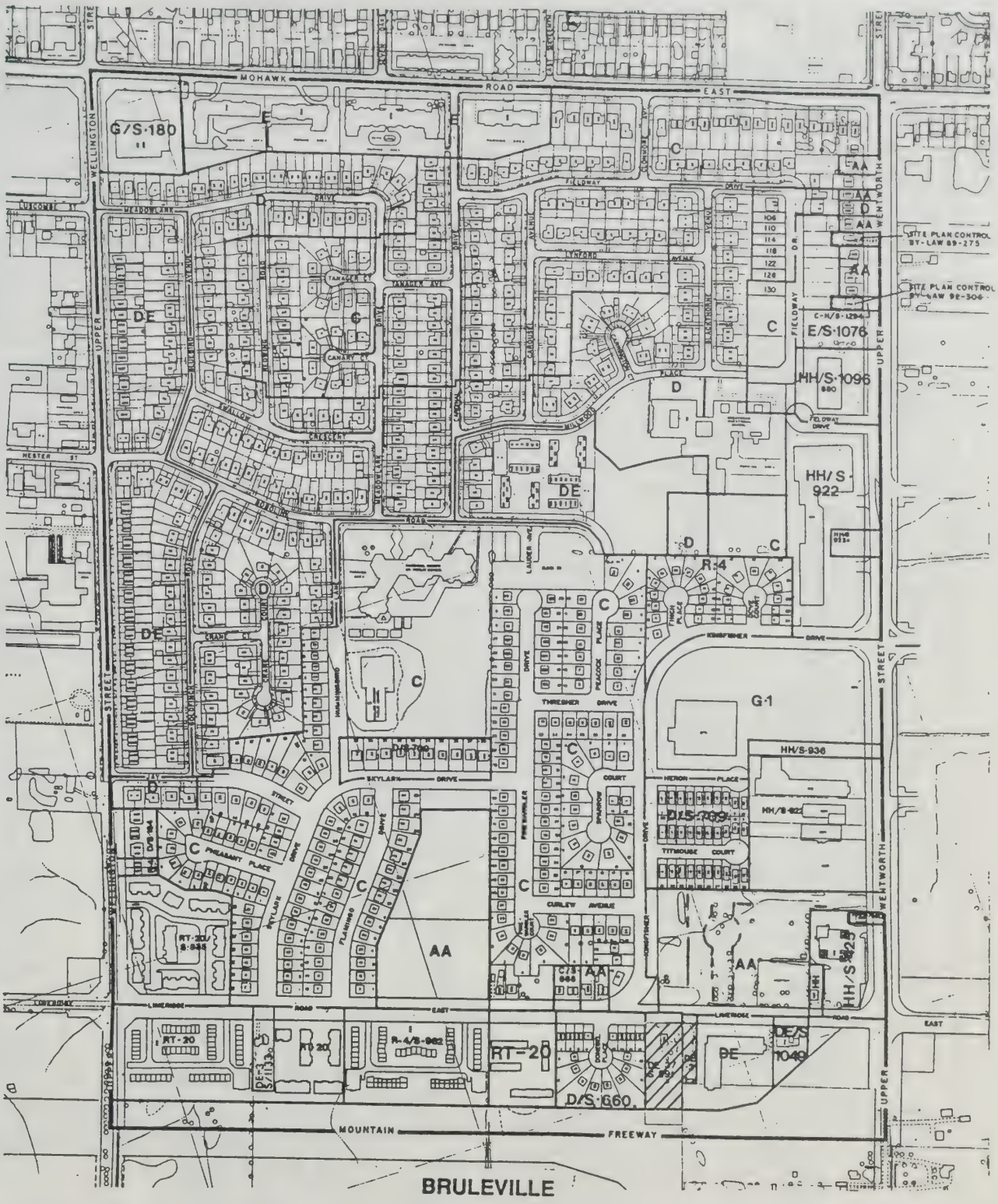
APPENDIX "B"

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Location of DA-92-65

North	Scale	Reference File No.
	Not To Scale	
	Date	Drawn By
	March , 1993	E.C.



City of Hamilton

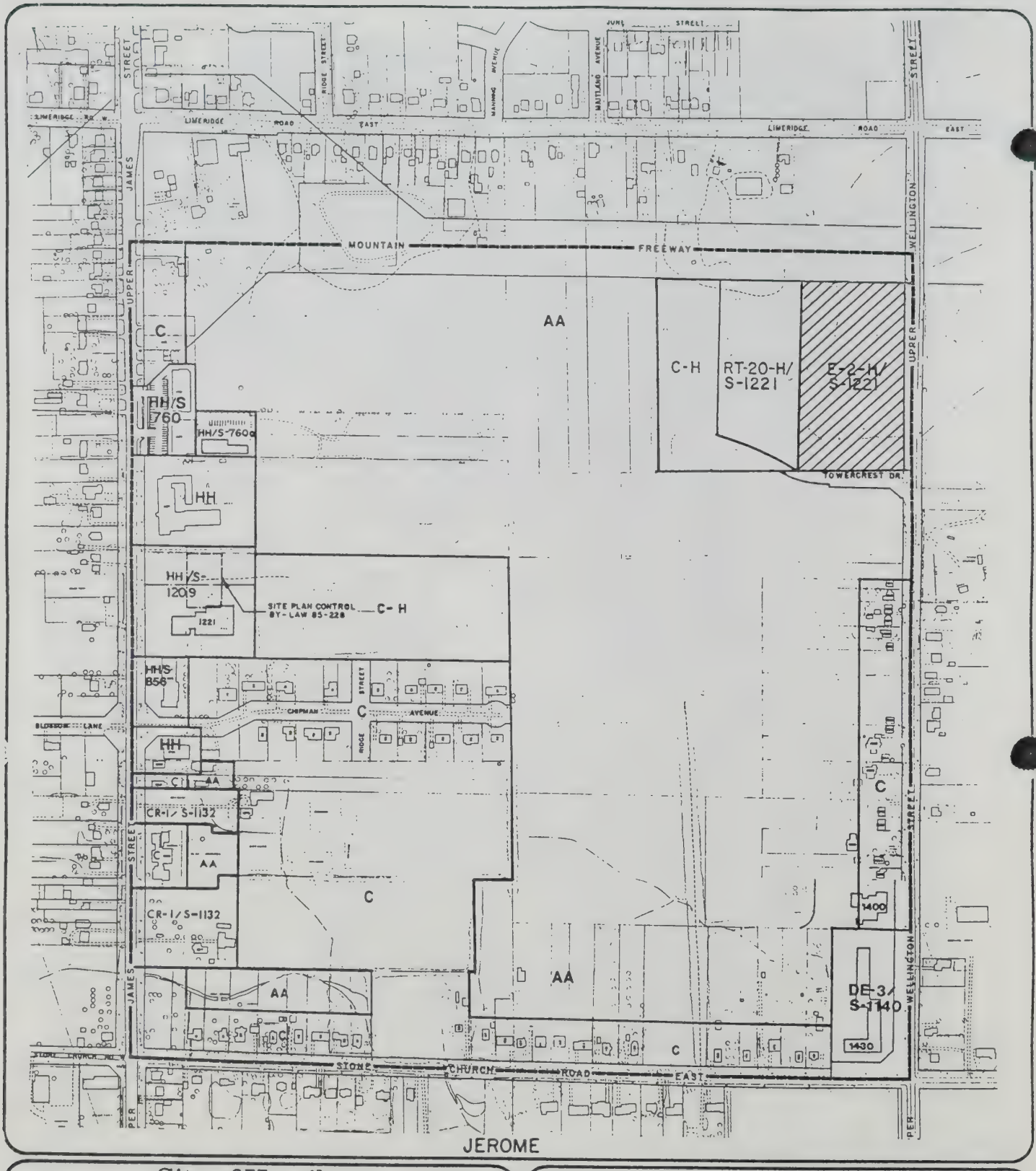
APPENDIX "C"

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Location of DA-92-54

North	Scale	Reference File No.
	Not To Scale	
	Date	Drawn By
	March , 1993	E.C.



City of Hamilton

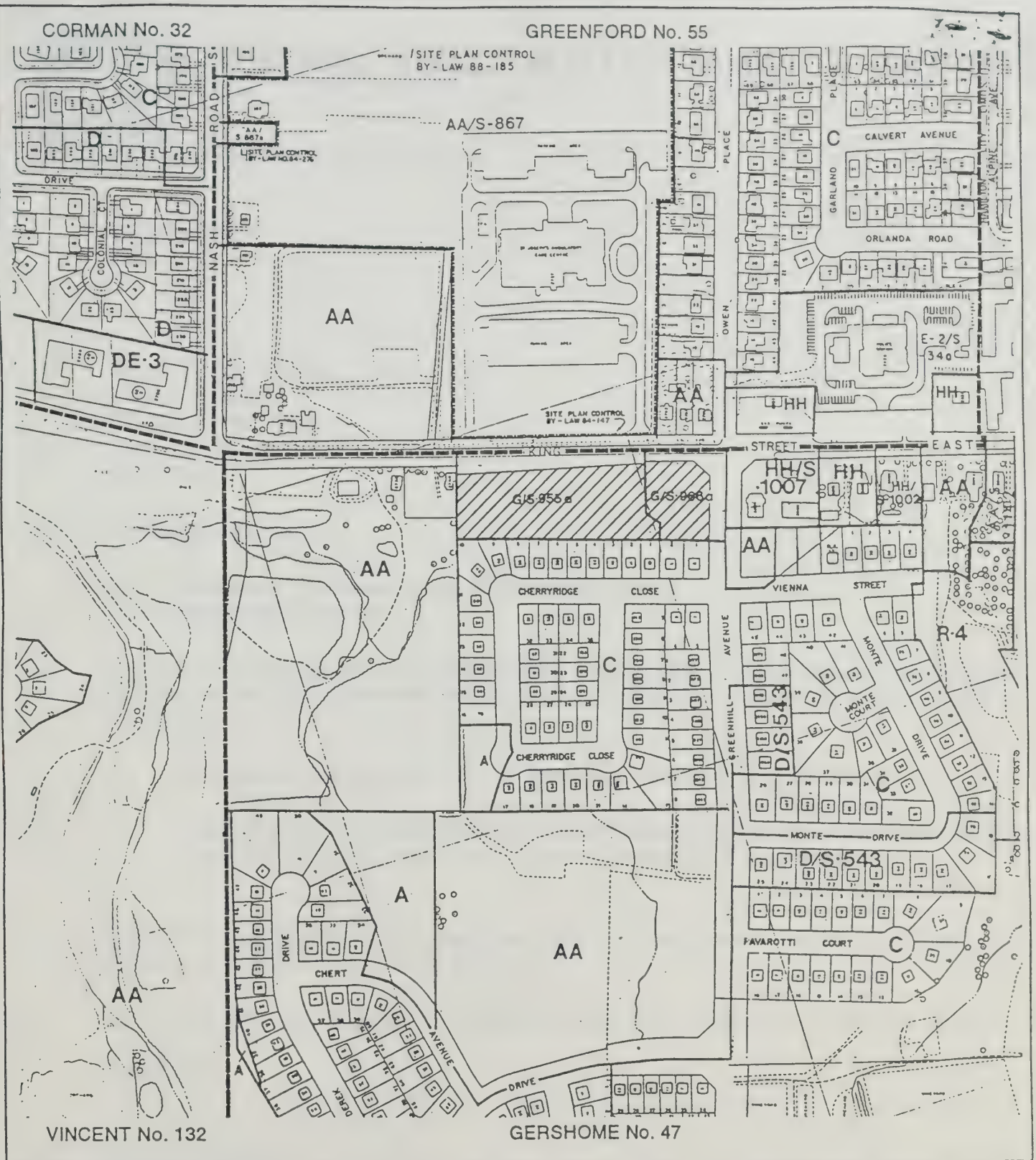
APPENDIX "D"

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Location of DA-92-35

North	Scale	Reference File No.
	Not To Scale	
	Date	Drawn By
	March , 1993	E.C.



City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control
Application DA-93-08

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	NOT TO SCALE	DA-93-08
	Date	Drawn By
	MARCH 1993	Z.K.

APPENDIX E A

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

6.

Office of the Clerk

Robert C. Prowse, Clerk
Michael A. Rallo, Deputy Clerk

RECEIVED
MAY 19 1993
CITY CLERKS

May 19, 1993

Mr. J. Schatz, Clerk
City of Hamilton
77 Main Street West
Hamilton, Ontario
L8P 1H4

Dear Mr. Schatz:

RE: Economic Development and Planning Committee
Report 9-93, Item 5

Subjoined, please find Item 5 of Report 9-93 of the Economic Development and Planning Committee which was approved by Regional Council at its meeting held on Tuesday, May 18, 1993.

5. Amendment No. 80 to the City of Hamilton Official Plan (PLA 93-033)

That Amendment No. 80 to the City of Hamilton Official Plan be referred to the Council of the Corporation of the City of Hamilton for consideration.

Item 4.1

It would be appreciated if the appropriate steps could be taken to execute the direction of Regional Council with respect to this item.

Should you have any questions or concerns, please don't hesitate to contact our office.

Yours truly,

Mary Gallagher

Mary L. Gallagher
Legislative Assistant

119 King Street West, 15th Floor
P.O. Box 910
Hamilton, Ontario L8N 3V9

Tel. (416) 546-4154
Fax (416) 546-2546
TDD (416) 522-1787

4.1

REGION OF HAMILTON–WENTWORTH

- RECOMMENDATION -

DATE: 1993 April 20
(25 OP HA 080)

REPORT TO: Chairman and Members
Economic Development and Planning Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Amendment No. 80 to the City of Hamilton Official Plan
(PLA-93-033)

RECOMMENDATION:

a) That Regional Council concur with the proposed actions of the Commissioner of Planning and Development, pursuant to Section 5 of the Planning Act and By-law R93-012, respecting Amendment No. 80 to the Official Plan of the City of Hamilton, which incorporates a number of changes to the Official Plan, as follows:

i) That Amendment No. 80 to the Official Plan of the City of Hamilton, be approved as a "Housekeeping Amendment", with modifications and referrals, as follows;

aa) That Item 19 (Appendix "A") of the "Actual Changes" Section of Official Plan Amendment No. 80, as modified, be referred to the Ontario Municipal Board;

bb) That proposed Modification Nos. 3, 4, 8, 9, and 13, as outlined in Appendix "B", be approved; and

cc) That proposed Modification Nos. 1, 2, 5, 10, 11, 12 and Modifications 1 and 2 as proposed by the Hamilton Harbour Commissioners, and outlined in Appendix "C", be referred to the Ontario Municipal Board.

ii) That the request by Mr. Stanley Makuch, Solicitor, on behalf of the Hamilton Harbour Commissioners to refer Amendment No. 80, in it's entirety, under Section 17(11) of the Planning Act, to the Ontario Municipal Board, be refused;

iii) That the Commissioner of Planning and Development, as the Minister's delegate, provide the Hamilton Harbour Commissioners with a written explanation for the refusal in accordance with Section 17(13) of the Planning Act;

iv) That the City of Hamilton, Hamilton Harbour Commissioners, and all circulated agencies be advised of the decision of the Commissioner of Planning and Development.

J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

A. L. Georgieff, M.C.I.P.
Director
Regional Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Location

Official Plan Amendment No. 80 applies to the entire City of Hamilton.

History

- December 12, 1989 - City of Hamilton adopts Amendment No. 80.
- January 1990 to June 1990 - Several letters of concern received by Region including a request dated June 18, 1990 from Mr. S. Makuch, on behalf of the Hamilton Harbour Commissioners (HHC) to refer the amendment to the Ontario Municipal Board (OMB). In support of his request for referral, Mr. Makuch cites

concerns with the contents of the Amendment which in his opinion, fails to set out policies which adequately recognize or protect the role of the harbour and the port infrastructure in the future development of the City of Hamilton. As such, the amendment is inadequate as a five-year review.

- February, 1990 to March, 1992 - Region attempts to resolve concerns expressed by agencies.

- March 13, 1992 - Proposed modifications by the Region to resolve agency concerns circulated to the City of Hamilton and all agencies expressing a concern.

- May 27, 1992 - Letter received from the HHC with specific comments on each of the proposed modifications.

- August 25, 1992 - Hamilton Council resolves to accept the Region's suggested modifications with minor changes, but is not willing to support the changes proposed by the HHC.

- September 18, 1992 - Letter from the Region to HHC with proposal to approve OPA No. 80 as a Housekeeping Amendment.

- October 8, 1992 - Letter from Mr. S. Makuch advising that the HHC requests referral of OPA No. 80 to the OMB.

- November 19, 1992 - Letter from Mr. S. Makuch to reiterate the concerns of the HHC.

- March 19, 1993 - Letter to Hamilton and HHC from the Region advising that the Region will be recommending the approval of OPA No. 80 with modifications and referral of those parts which the Region has deemed to have an affect on the HHC.

- April 19, 1993 - Letter from the HHC to the Region accepting the proposed recommendations of the Planning Commissioner as outlined in the March 19, 1993 letter to the HHC.

Conformity to the Hamilton–Wentworth Official Plan

The proposal would not conflict with the intent of the Hamilton–Wentworth Official Plan.

Circulation Results

With the exception of the Hamilton Harbour Commissioners (HHC), all of the concerns raised by commenting agencies have been resolved by the Region.

Comment

While the Commissioner of Planning and Development has the delegated authority to approve local official plan amendments, Council's sub-delegation by-law specifically requires the Commissioner to consult with Council on unresolved issues prior to, approving, deferring or referring an amendment.

Given that numerous attempts by the Region to resolve the concerns of the HHC have not produced a resolution, the Commissioner of Planning with the concurrence of Regional Council now has the option to:

- approve the proposed amendment, or any part of the amendment;
- refer the proposed amendment, or any parts of the amendment to the OMB for consideration;
- refuse to refer the amendment, or any parts of the amendment by providing a written explanation for refusal in accordance with Section 17(13) of the Planning Act; or
- ask the City of Hamilton to repeal this amendment by By-law.

Under Section 17(11) the Commissioner of Planning and Development must consider a request by any person to refer a proposed amendment to the Ontario Municipal Board (OMB), unless in his opinion, the request is not made in good faith or is frivolous or vexatious or is made only for the purpose of delay.

In this case, the HHC are concerned with the appropriateness of the amendment as a Major Five Year Review of Hamilton's Official Plan. In their opinion, the amendment "...does not review or establish long term policies, but rather deals with housekeeping measures." While the HHC concerns merit consideration, it is recognized that the actual changes being sought by the City of Hamilton are minor in nature and are intended to clarify and fine tune land use policies and designations. These changes do not appear to have any affect on the operation of the HHC. However, the HHC have identified one specific item (Item 19) which they believe impacts on their jurisdictional authority and have proposed an alternative policy which was not supported by the City of Hamilton.

For these reasons, the Commissioner of Planning and Development is proposing to:

- approve Amendment No. 80 as a "Housekeeping Amendment", with modifications supported by the City of Hamilton, and the referral of Item 19 (Appendix "A");
- approve the proposed modifications outlined in Appendix "B" which, in his opinion, do not affect the HHC, and were supported by the City of Hamilton; and

- refuse the request from Mr. S. Makuch to refer Amendment No. 80, in it's entirety to the OMB with a written explanation;

- refer Item 19 (Appendix "A") of the Amendment and the proposed modifications outlined in Appendix "C" which could have an affect on the HHC to the OMB for consideration.

This proposal is supported by the HHC and confirmed by letter dated April 19, 1993.

Conclusion

The Commissioner of Planning is of the opinion that certain parts of the amendment contain site specific policies or land use designations which do not have an affect on the HHC and should be approved without further delay. Other identified parts of the Amendment which could have an affect on the HHC, should be referred to the OMB for resolution.

Therefore, on this basis, it would be appropriate for the Commissioner of Planning to implement the above actions.

PLA-93-033

APPENDIX "A" TO PLA 93-033

OPA No. 80, Item 19 as adopted by the City of Hamilton:

19) Section A - Land Use and Management Strategy be revised by adding a new Subsection A.5, to read as follows:

"A.5 - GENERAL LAND USE PROVISIONS

It is the general intent of this Official Plan that all planning and development both public and private, within the City of Hamilton will be undertaken in compliance with the policies of this Plan. However, there are exceptions, where the operation of government, associated public bodies, and institutions that are permitted "as-of-right", or without locational restrictions throughout the City. In addition, there are certain uses which are not acceptable within the City due to the danger they may pose to persons and/or property and therefore should be prohibited throughout the City.

5.1 Notwithstanding SECTIONS A, B, and C of this Plan, the following uses will be permitted within all land use designations provided that land use compatibility is maintained and it is keeping with the intent of the development standards set out in this Plan:

i) any operation of the Government of Canada, Government of Ontario, Regional Municipality of Hamilton-Wentworth, City of Hamilton, or any public agency, board or commission including Ontario Hydro and Hamilton Hydro Electric Commission, except for their maintenance and storage facilities;

ii) places of worship, publicly owned airfields, publicly owned parks and open spaces; and,

iii) bona fide shipping and navigation by the Hamilton Harbour Commissioners in accordance with Subsection D.8.

5.2 Notwithstanding SECTIONS A, B, and C of this Plan any maintenance and storage facilities operated by the various levels of government, public agency, board or commission as identified in Policy 5.1 i), existing prior to the approval of Subsection A.5 of this Plan will be permitted within all land use designations. Any facility established after this time will be permitted in all land use designations but will be discouraged in RESIDENTIAL designations.

5.3 These uses which create a danger to health from fire and explosion, as defined in the Zoning By-law, will be prohibited within the City of Hamilton."

Modifications proposed by the Region:

Mod. 6 Item 19 be modified to revise Policy A 5.1 by adding the word "generally" after the words "...land use compatibility", to read:

"5.1 Notwithstanding SECTIONS A, B AND C of this Plan, the following uses will be permitted within all land use designations provided that land use compatibility is generally maintained and it is keeping with the intent of the development standards set out in this Plan:"

Mod. 7 Item 19 be modified to revise clause iii) of Policy A 5.1 to read:

"iii) bona fide shipping and navigation by the Hamilton Harbour Commissioners without purporting to limit the jurisdiction of the Parliament of Canada, the Federal Government, or the Hamilton Harbour Commissioners acting within the scope of the lawful jurisdiction in respect of shipping and navigation matters in accordance with Subsection D.8."

Modifications proposed by the Hamilton Harbour Commissioners:

Mod. 7 Item 19 be modified to revise clause iii) of Policy A 5.1 to read:

"iii) shipping, navigation and port development uses by The Hamilton Harbour Commissioners without purporting to limit the jurisdiction of the Parliament of Canada, the Federal Government, or The Hamilton Harbour Commissioners acting within the scope of the lawful jurisdiction in respect of shipping, navigation and port development matters in accordance with Subsection D.8."

Additional modification proposed by the City of Hamilton:

Mod. 14 Item 19 be modified by deleting the preamble of Subsection 5 - General Land Use Provisions and replacing it with the following:

"It is the general intent of this Official Plan that all planning and development both public and private, within the City of Hamilton will be undertaken in compliance with the policies of this Plan. However, there are exceptions, where the operation of government, associated public bodies, and institutions that are permitted "as-of-right", or without locational restrictions throughout the City, with the exception of lands designated Escarpment Natural Area or Escarpment Protection Area as shown on Schedule "B" as Special Policy Area "1A" and "1B" wherein such uses must be in accordance with the Permitted Uses as set out in

Section A.2.9.1 and the Development Criteria of the Niagara Escarpment Plan. In addition, there are certain uses which are not acceptable within the City due to the danger they may pose to persons and/or property and therefore should be prohibited throughout the City."

APPENDIX "B" TO PLA 93-033

MODIFICATIONS NOT CONSIDERED TO HAVE AN AFFECT ON HAMILTON HARBOUR COMMISSIONERS

MOD 3 Proposed modifications in response to concerns of the M.N.R.

Subsection A.3.2 - Environmentally Sensitive Areas, be revised by:

(i) adding to Policy A.3.2.3, the words ".... within or adjacent to lands ....." after the words ".....Where development or redevelopment is proposed on lands ....." to read:

"A.3.2.3 Where development or redevelopment is proposed on lands within or adjacent to lands designated ENVIRONMENTALLY SENSITIVE AREAS, Council will consider .....".

(ii) adding a new clause (iv) to Policy A.3.2.3 to read:

"(iv) In the case of Van Wagner's Marsh and Cootes Paradise, the Feasibility Study and Impact Analysis must make specific reference, in consultation with the Ministry of Natural Resources, to the criteria employed in the selection of these Provincially significant features. It must demonstrate that the development is compatible with long term maintenance of the Provincially significant features, in accordance with Provincial direction.

MOD 4 Proposed modification in response to concerns of the M.N.R.

Subsection A.3.2 - Environmentally Sensitive Areas, be revised to add a new Policy A.3.2.10 to read:

"A.3.2.10 Cootes Paradise and Van Wagner's Mars are Provincially Significant Wetlands. In addition, Cootes Paradise is a Provincially Significant Area of Natural and Scientific Interest. Council recognizes the Provincial significant of these features and supports their protection in the long term."

MOD 8 Proposed modification in response to concerns of the H.S.R.

Sub-section B.3.2 - Public Transit, be revised by adding the words "in accordance with the policies established by the Region" after the words ".....locate TRANSIT stops" to read:

"B.3.2.8 In the preparation of Neighbourhood Plans, Council will encourage and co-operate with the Region's Transportation Department to locate TRANSIT stops in accordance with the policies established by the Region. Where possible and feasible, transit stops will be located in close proximity to passenger generators. Furthermore, Council with support, where practicable, the integration of those stops with pedestrian crosswalks."

MOD 9 Proposed modification in response to concerns of the M.O.E.

Section C - Amenity and Design Strategy, be revised to add a new policy 4.9 to Subsection C.4 - Pollution, to read:

"4.9 Council recognizes the Ministry of the Environment's concerns regarding the potential for contamination of soils and supports its efforts for the decommissioning of such sites. Accordingly, where the development/redevelopment is proposed for lands currently or previously known to be used for industrial, transportation or utility purposes, Council will, in the consideration of an amendment application to this Plan and/or the implementing zoning by-law:

(i) require the proponents to submit to the Ministry of the Environment, in accordance with that Ministry's requirements, a professional analysis of soils on the site determining the presence, type(s) and concentration of contaminants which may be hazardous to the environment and/or to human health as a prerequisite of development or redevelopment. Determination of contaminants for which analysis will be conducted will be based upon all present and previous uses of the site.

If the analysis identifies the presence of contaminants at concentrations above background levels, the Ministry will require the proponent to formulate and implement a remedial action plan in accordance with the Ministry's Guidelines for the Decommissioning and Clean-up of Sites in Ontario, (as may be amended). This plan will be submitted to the Ministry for approval.

(ii) ensure that, where remedial actions plans are required by the Ministry of the Environment, no development will take place until notification is received from the Ministry that the decommissioning process has been satisfactorily completed. In this regard, Council will utilize means such as Site Plan Approval, the "H" (Holding zone provisions), etc., as a means to prohibit development.

(iii) require, in accordance with Ministry requirements, the proponent to submit documentation on previous uses of the property with the application for development/redevelopment to the City for circulation to the Ministry."

MOD 13 Re-number the items of Official Plan Amendment No. 80 accordingly.

APPENDIX "C" TO PLA 93-033

MODIFICATIONS CONSIDERED TO HAVE AN AFFECT ON HAMILTON HARBOUR COMMISSIONERS

MOD 1 Proposed modifications in response to concerns of H.H.C.

Subsequent A.2.7.2 - Utility Uses, be revised as follows:

(i) delete Policy A.2.7.2; and,

(ii) re-number the other policies in the Subsection accordingly.

MOD 2 Proposed modification in response to concerns of H.H.C.

Section A - Land Use and Management Strategy, be revised by adding a new Subsection A.2.11 - Shipping and Navigation, to read:

"A.2.11 - SHIPPING AND NAVIGATION:

It is the general intent of this Plan to recognize the role of the Harbour in the economy of the City and, in particular, the activities of the Hamilton Harbour Commissioners in carrying out their activities of SHIPPING AND NAVIGATION.

2.11.1 The primary permitted uses in the areas designated on Schedule "A" as SHIPPING AND NAVIGATION will be for shipping terminals; marine freight; passenger handling facilities; related storage, vessel and barge docks; and other uses related to SHIPPING AND NAVIGATION."

MOD 5 Proposed Modifications in response to concerns of M.O.E.

Section A - Land Use and Management Strategy, be revised by adding a new Subsection A.3.5 - Land Fill Constraint Areas, to read:

"Landfill Constraint Areas are those lands which are known former municipal or industrial waste disposal sites. If effective control measures have not been implemented at the site, then methane gas and leachate can migrate laterally from the perimeter of the site. Methane gas and leachate can be generated in

quantities and concentrations which can pose a risk to property and human health and safety. It is, therefore, appropriate to include policies to ensure due caution is exercised in the development/redevelopment of affected lands. Further, the Environmental Protection Act requires that approval for any use of a waste disposal site within 25-years of its closure be obtained in writing from the Minister of the Environment.

3.5.1 Where development is proposed within 500 metres of lands shown as "Land Fill Constraint Areas" on Schedule "1":

(a) the City, the Region and the Ministry of the Environment will be consulted regarding actions necessary to identify and mitigate any potential adverse environmental effects; and,

(b) to facilitate a recommendation by the Ministry of the Environment to the approving authority, evidence, will be provided to the City and to the Ministry that such development, including the construction of buildings, structures, and underground utilities and services, as well as hard surface paving, can safely take place.

3.5.2 No uses, except those approved by the City, and in writing by the Minister of the Environment pursuant to the Environmental Protection Act, as amended, will be permitted on lands used for waste disposal purposes within 25-years of termination of such use."

MOD 10 Proposed modification in response to concerns of M.O.E.

Section D.8 - Interpretation, be revised to add a new Subsection D.8.6, as follows:

"D.8.6 Nothing in this Plan shall be interpreted to mean that an undertaking which is subject to the Environmental Assessment Act may proceed except in compliance with that Act. The City will not give any licence, permit or approval that may lead to the commencement of any such undertaking until it has been approved or exempted under the Environmental Assessment Act."

MOD 11 Proposed modification in response to concerns of H.H.C.

Schedule "A" - Land Use Concept of the Official Plan Amendment No. 80 be revised by:

(i) adding a new designation "Shipping and Navigation" to the legend; and,

(ii) redesignating Piers 10 to 14 and Piers 25 to 27 from "Utilities" to "Shipping and Navigation".

MOD 12 Proposed modification in response to concerns of the M.O.E.

Introduce a new Schedule "I" - Land Fill Constraint Areas, to the Hamilton Official Plan.

OTHER MODIFICATIONS REQUESTED BY H.H.C.

MOD 1 Policy D.8.4 be deleted and replaced with the following policy:

"D.8.4 This Plan does not prohibit or otherwise attempt to regulate the use of land or Hamilton Harbour by The Hamilton Harbour Commissioners for shipping, navigation or port development purposes, as provided herein."

MOD 2 Policy D.8.5 be amended by deleting the word bona fide and adding the words "and port development uses" after the word navigation.

7.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED
JUN 16 1993
CITY CLERKS

DATE: June 14, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: ONTARIO HOME RENEWAL PROGRAMME (OHRP)(93.3.2.4.2.1.A)

RECOMMENDATION:

That representatives of City Council, the Planning and Development Committee, and City staff arrange a meeting with the Minister of Housing to discuss the financing of housing rehabilitation programmes from funds accumulated under the Ontario Home Renewal Programme Trust Account.

L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Trust Account has accumulated $5.5-million.

BACKGROUND:

The Building Department, Loans Division, has indications that the Province of Ontario will not be funding the existing Provincial Rehabilitation Loan Programmes for 1993. They will also be asking for funds accumulated in the Ontario Home Renewal Programme Trust Accounts to be returned to the Province. These funds,

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estimated at $60-million, province-wide, will be applied directly against the provincial deficit. The purpose of this report is to request Committee and Council approval to resist the provincial demands and to make proposals to the province on how this money could be utilized for housing rehabilitation initiatives within the City of Hamilton.

The Province of Ontario approved the establishment of the Ontario Home Renewal Programme in 1974 by passing Legislation under the Housing Development Act and Ontario Regulation 688/74.

The terms of the Legislation required the municipality to establish a separate account for the capital grants received from the province. In addition, the municipality was required to place all repayments under the programme back into the same interest bearing account in order that the money could be reinvested in the programme. The legislation also specified on what grounds the fund could be recalled by the province:

> 2(4) "Where a Municipality fails to use the whole or any part of the fund established by that Municipality under clause "f" of section "4" for the purposes for which the fund was established, the Ministry may require repayment by that municipality to the Province of Ontario of the whole or any part of the fund."

The City of Hamilton has, since 1974, continued to abide by the terms of the legislation and under no condition do we feel any of the funds should be returned until the "purpose for the fund" has been met. The problem is that the province has not responded to the needs of homeowners by periodically updating the eligibility criteria including the levels of loans and grants. The present guidelines prevent any homeowner whose income exceeds $21,000 from being eligible for a loan and the grants do not take effect unless the family income is less than $16,000. The maximum grant of $4,000 is not available until the family income is less than $8,000. The interest rate is similarly a disincentive as all homeowners earning more than $16,000 must pay 10% with the interest rate decreasing to 8% with incomes between $13,000 - $16,000. The lowest interest rate of zero per cent is available only when the family income is less than $5,000. The programme has not been changed at all since 1984 and at that time only minor adjustments were made. In fact, much of the financial requirements have not been updated since 1974. It is no wonder that funds continue to accumulate because only a few people a year meet the eligibility criteria. In addition, if the federal programme is available even with its limited allocation, the Department cannot in good conscience recommend an OHRP loan to the homeowner.

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It was always a fundamental goal of the programme and clearly understood by municipalities that the Provincial Capital Grants were not going to continue forever and that the recyclable accounts were expected to address the ongoing rehabilitation needs of homeowners. This problem has been brought to the attention of the governments of the day virtually every year since 1982. These requests have included City Council Resolutions and submissions by the Associations of Municipalities of Ontario, as well as staff recommendations from all the major municipalities. The City's latest resolution was passed in November, 1991 and read as follows:

> "That City Council request the provincial government's Ministry of Housing to amend the eligibility criteria for the Ontario Home Renewal Programme (OHRP) to enable the City of Hamilton to process rehabilitation loans and grants from the existing municipal recyclable accounts.
>
> NOTE: The cost to the province and municipality to implement these changes will be nothing, but will permit the City to use available funds designated for this purpose."

Unfortunately, although the Programme is delivered by the municipality, only the province has the authority to make the programme viable. We have been advised on numerous occasions by senior provincial staff that the province understands why there has not been take-up, but they have been reluctant to go back to cabinet to make the necessary changes. The end result of this inaction by the province is large trust funds sitting unused while homeowners are in need of funds to rehabilitate their homes.

While we appreciate the financial problems being experienced by the province, we know any attempt to seize the trust funds will meet with stiff resistance from municipalities who have sacrificed to build viable accounts. It should be noted that the account is only substantial because the City limited the provincial grants in the early years of delivery.

If the province makes a decision not to fund the existing Provincial Rehabilitation Programmes including, Low Rise Rehabilitation Programme, Convert-to-Rent, and Ontario Home Renewal Programme-Disabled,it is recommended that Hamilton and other trust fund holders be given the opportunity to fund some or all on a modified basis. This also assumes that the province would take some initiative to make adjustments to the existing Ontario Home Renewal Programme guidelines in order that those homeowners struggling in today's economy have the opportunity to protect, in most cases, their only asset - their homes.

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The benefits of allowing this to occur would have the immediate positive effects:

(1) Stimulus to building trade provides many jobs not only directly, but indirectly;

(2) Encourages people to stay in their homes and out of government funded projects;

(3) Protects the housing stock particularly at the low end of the market, as these represent entry housing for people with low and moderate incomes;

(4) Maintains the residential tax base for the municipality;

(5) Programmes are cost effective with regard to delivery with most of the dollars going directly into the local economy;

(6) Allows Hamilton to use the trust fund, with no additional cost to the province.

PROGRAMMES

The Department has considered modifications to the existing programmes and these are presented here as a basis for discussion with the province.

ONTARIO HOME RENEWAL PROGRAMME

- Increase the income levels to a maximum of $30,000 with the combination of loans and grants increased to $10,000 - maximum grant $5,000.
- Loans amortized over 15 years at an interest rate of one half City prime for all loans.
- Ceiling for grants is $25,000, and grants reduced by $1 for every $2 earned over $15,000.
- All other terms of OHRP Programme remain the same: owner/occupant, lien registered, grant earned 20% per year, money placed in a separate Recyclable Trust Account.
- Owner/occupants of legal duplexes eligible for loan and grant of $10,000 as above.

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- Property only eligible for one loan per fifteen years includes RRAP.
- Municipal Property Standards By-law basis for eligible items.

CONVERT-TO-RENT

- Administered by municipality and secured by a Lien.
- Maximum of $10,000 per unit and repayment at zero per cent interest to start in year five and increased to one half City's prime in year ten and fully repaid by year fifteen.
- Projects eligible include additions, but not new construction on vacant land and would include conversions of unused commercial, institutional, or industrial space.
- Rents initially established by municipality to reflect government investment in property and to ensure the rents are affordable.
- Ideal Programme to address needs of seniors and singles.
- Additional funding may be provided if private financing not available.
- Addresses many concerns of municipalities with regard to revitalization of older strip commercial areas.

PROVINCIAL RENTAL PROGRAMME

- All rental units eligible, including highrises.
- Property Standards items eligible.
- City secure with Lien on Title and same equity requirements as presently exist.
- Recommend loan and repayable grant programme.
- Maximum allowable, $7,000 per unit with 50% loan at one half City prime, and 50% grant repayable at zero per cent interest at time of sale or transfer of property.
- The loan portion could be rolled over to new owner, but not the grant.

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- Loan amortized over fifteen years and placed in recyclable account.
- Copy of work done would be sent to Rent Review Services.
- Rental units for the disabled would be enhanced by providing $5,000 grants to tenants and secured by Promissory Note. Grant would be earned over five years.
- Landlords would be eligible for funding access for the disabled in common areas of building.

ONTARIO HOME RENEWAL PROGRAMME-DISABLED

- Eligibility for owners remain the same with maximum family incomes of $60,000 with maximum grant provided at $45,000 or less.
- Maximum repayable grant $15,000 reduced by $1 for every $1 earned over $45,000.
- Municipality to place Lien on Title to be repaid at zero per cent interest at time of sale of property.
- The repayment would be place in a recyclable account in order to continue the programme.
- Administrative procedures including professional assessments would be continued.

DEMONSTRATION PROGRAMMES (BARTON STREET)

A portion of the Capital Fund could also be "earmarked" for special demonstration programmes, and in Hamilton's case, it is recommended that special programmes be developed to address the Barton Street problems.

AGENCY FEES

In order to help defray the costs of delivery, including inspections, payments, security, and collection, it is recommended that an administration charge of 10% on each loan be charged. This would be applied on each approved loan except in the case of the Low Rise Programme, where the 10% would only apply to the first

$15,000 and then an additional charge of $70 per unit would be levied. The administration fees would be taken out of the capital fund and not charged to the individual loans. This would result in administration revenue of approximately $550,000, not including Building Permit fees.

Recently a meeting was held in Toronto with several of the major stake holders. In attendance was Toronto, Hamilton, Ottawa, London, St. Catharines, Sudbury, Cambridge, and Windsor. It was agreed by the senior staff present, that municipalities should recommend against willingly giving up these funds. It was agreed that the moneys should be used within the municipalities which had accumulated the funds. This could be accomplished by those municipalities entering into a Housing Agreement with the province and, in the City's case, we could simply amend our existing Agreement to include those programmes we wish to implement.

The Department also requested the Association of Municipalities of Ontario (AMO) to advise all municipalities that the Province of Ontario may be asking for municipalities to return all OHRP Funds which have accumulated in the recyclable accounts. It will also be pointed out that if the municipality so chooses, strong arguments, including legal, can be made that these funds belong to the municipality and any failure for "take-up" has been caused by the province. A copy of AMO's Municipal Alert is attached as Exhibit "A". AMO is now providing a municipal update which will be sent to every municipality in the province. It is anticipated that this mail out will occur early in July.

The present government's housing policies have completely ignored our most important housing asset - the existing stock, and we must take steps to ensure that moneys available are used to protect that resource. Theses funds, we contend, are not the property of the province and there is documentation that the government of the day regarded these as part of the transfer payments to the municipality. The Department, therefore, recommends that the Planning and Development Committee and City Council make representation to the Minister of Housing on the use of these funds for the continuance of rehabilitation programmes in the City of Hamilton.

EXHIBIT "A"

Ontario Home Renewal Programme

Information has been received from Mr. John Robinson, the Association of Municipalities' member of the Task Force on Housing, that the Province of Ontario may be asking for Municipalities to return all O.H.R.P. Funds which have accumulated in the recyclable accounts. Their request is "draconian"and strong arguments, including legal, can be made that these funds belong to the Municipality and any failure for "take-up" has been caused by the Province of Ontario.

For background information, I would like to provide the following information:

1 The Programme was first established in 1974 and the Province provided funding on a per capital basis with a commitment to the Programme for three years. This financial commitment was subsequently extended for another four years. The reason for this extension was not only the need to address the conditions of the existing housing stock but also because of its huge success across the Province. The Capital Funding was also needed to ensure viable recyclable accounts.

2 A fundamental premise of the Programme was that monies provided to the Municipality would be placed in a Trust Fund and all monies collected in repayment would be used to continue the Programme. It was hoped that the Programme would become self sustaining. The only provision for return of the funds was if the Municipality no longer delivered or offered the Programme to owner/occupants of single family dwellings.

3 Many Municipalities across Ontario, in order to make a long term commitment, modified the Programme to ensure an adequate recovery account was maintained. This was all done with the support and encouragement of the Province.

4 Unfortunately, although the Province allowed the Municipality certain flexibility, they did not allow for any easy mechanism to change the eligibility criteria. As a result, the Programme has not been substantially changed since 1974 and the income levels have not been updated since 1981. As a result, virtually no one is eligible for a grant and the interest rate on most loans is 10%. Grants are not available if gross family income exceeds $16,000.00. (Two Seniors on Old Age and Canada Pension are presently eligible for a grant of less than $1,000.00 and a loan at 8%).

5 AMO and individual municipalities have consistently advised the Province to update the criteria but they have ignored all requests as they claim that they do not have any new money, only the ability to spend what they have.

In December of 1992, based on Provincial rumours that the Province was going to ask for the estimated 60 million dollars held by Municipalities to be returned to the Province to be applied against the Provincial Deficit. A meeting was held in Toronto with several of the major stake holders. In attendance was; Toronto, Hamilton, Ottawa, London, St. Catharines, Sudbury, Cambridge and Windsor. It was agreed that we were not prepared to willingly give up these funds and we "drafted a proposal" which would allow the money to be used within the municipalities who had accumulated the funds. With some programme modifications to ensure a viable fund was maintained, we proposed to fund the existing Provincial Programmes including; Convert-to-Rent, O.H.R.P., O.H.R.P.-Disabled, Low Rise as well as Demonstration Programmes approved by the Province prior to implementation.

Subsequently, an informal meeting was held between Toronto and the Province, but this proved less than successful. A presentation of the proposal is expected to be made to A.M.O., but before this transpires, it is important that Municipalities be advised to consider not giving up the funds until formal municipal action and proposals be made to the Government. It is clear Municipalities have not abused their mandate and the need and demand for the Program certainly has not been met. The economic as well as the social benefits, are huge and will also be included in any report.

The existing government's housing policies have completely ignored our most important housing asset; the existing stock and we must take steps to ensure that monies available are used to protect that resource. These funds are not the property of the Province and there is documentation that the Government of the day regarded these as part of the Transfer payments to the municipality.

Our appreciation to Mr. John Robinson, Co-ordinator of Housing Loans for the City of Hamilton, for this insight.

If you think education is expensive
You should try the price of Ignorance.

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CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 June 17
SS-CBD

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

RECEIVED
JUN 17 1993
CITY CLERKS

SUBJECT: Implementation of the Report entitled Guidelines for an Integrated Central Business District Focus Area

RECOMMENDATIONS:

1. a) That the concept of Hughson Street as a major pedestrian thoroughfare, as outlined in John Mokrycke's Guidelines for an Integrated Central Business District Focus Area, (see APPENDIX "A") be endorsed in principle;

   b) That an implementation plan for this concept be developed by the Pubic Works Department, Planning and Development Department and other relevant Departments.

2. a) That the Planning and Development Department be directed to review the development of +15 links from Jackson Square and the Convention Centre to Gore Park in consultation with CAPIC and the Urban Design Committee;

   b) That the review of the Corktown and Beasley Neighbourhood Plans include the identification of those areas within the Focus Area that are appropriate for mixed residential/commercial development;

   c) That the Ferguson Avenue Redevelopment Advisory Committee, the Beasley Neighbourhood Plan Review Team, and the Corktown Neighbourhood Plan Review Team be directed to identify specific bicycle routes within their respective study areas;

3. That the development of a public plaza on Hunter Street, in front of the GO Station, be referred to the GO Station Area Study for detailed review;

4. That the Parks Staff Advisory Committee be directed to review the feasibility of the installation of fountains at Hughson Street and Hunter Street and Hughson and King William Street and report to the Parks and Recreation Committee and the Planning and Development Committee;

5. That the City continue to act as a facilitator only with respect to the provision of public art (i.e. murals on building faces) for private buildings;

6. That no action be taken on the recommendation to permit on-street loading in the Focus Area;

7. That the Barrier Free Design Committee be directed to review the accessibility of the Focus Area;

8. That the proposed development concept respecting building heights and setbacks, attached as APPENDIX "A", be adopted as guidelines for redevelopment of the Focus Area;

9. That the Urban Design Committee be directed to review lighting standards in the Focus Area;

10. That no action be taken on the recommendation to prepare a study of signage in the Focus Area.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Department has been undertaking a Central Business District Study and, as part of this study, it was recognized that urban design guidelines for a focus area within the Central Business District were required. The study would examine opportunities for redevelopment from an urban design perspective and establish urban design principles that could be applied throughout the CBD, John Mokrycke, Architect, was hired to prepare the study.

At its meeting of June 30, 1992, the Planning and Development Committee directed staff to hold a public meeting to invite feedback on the Central Business District Focus Area Study prepared

by John Mokrycke (copies of the study were previously circulated to Committee members). The public meeting was held on November 4, 1992 and approximately thirty-five interested citizens attended (minutes of this meeting and copies of the submissions are attached as APPENDIX "B"). The consensus from the meeting was support in principle of the document. The need for detailed implementation plans was also identified as very important to several citizens. Beyond the feedback received at the public meeting, three submissions were received, generally supporting the recommendations of the study. It should be noted that, at this time, comments from other Departments (particularly Roads and Traffic) are not available. The HSR has indicated that the cost of relocating the trolley bus overhead wires will be approximately $824,000. The concerns of other Departments can be addressed as the implementation of the study proceeds.

COMMENTS:

The Planning and Development Committee, at its June 30th, 1992 meeting, also directed that staff report back with proposed implementation mechanisms. The following is a summary of the recommended implementation mechanisms for the Guidelines for an Integrated Central Business District Study and Department comments on these recommendations.

1. Closure of Hughson Street

The report recommends closing Hughson Street, between Hunter Street and King William Street, to vehicular traffic in order to develop the area as the major pedestrian thoroughfare in downtown Hamilton. East-west links along the major cross streets (such as Main and King Streets) would provide strong connections to other parts of downtown Hamilton. This form of pedestrian space would link several other ongoing initiatives: the redevelopment of the GO Station at the former TH&B site; the redevelopment of the Dominion Post Office for the Provincial Court System; and the re-establishment of the historical fountain in Gore Park. This form of linkages would benefit the business communities on the eastern portion of King Street as well as other portions of the downtown (i.e. King William Street). Prior to implementing the closure of Hughson Street to vehicles, detailed working drawings are required. Accordingly, it would be appropriate to endorse the development of a pedestrian thoroughfare and direct the Public Works Department, the Planning and Development Department and other relevant Departments to develop a detailed implementation plan. Details such as traffic and bus impacts can be addressed at the time of implementation. It should be noted that $700,000 has been included in the 2001 Capital Budget for this project.

2.a) Inclusion of +15 links from Jackson Square and the Convention Centre to Gore Park

A review of the feasibility of implementing this recommendation should be undertaken by the Planning and Development Department. Within the City, +15 links are generally established at the time of construction of the buildings and, as the buildings are already constructed, +15 links in this area may require municipal funding. In addition, it should be noted that the businesses east of James Street have difficulty attracting pedestrian

traffic and +15 links from Gore Park and the Convention Centre may further reduce the pedestrian traffic east of James Street. Therefore, a detailed review of this proposal, with comments from CAPIC and the Urban Design Committee, should be undertaken.

It should be noted that, in order to implement this recommendation, a text change to Policy A.2.9.2.10(i) through an Official Plan Amendment is required to include these areas within the +15 System.

b) Mixed use development (commercial/residential) in the Focus Area

The City's Official Plan permits mixed uses in areas identified as "Commercial" in approved neighbourhood plans, subject to satisfying Policy A.2.2.1 of the Official Plan. The neighbourhoods within the Focus Area, Beasley and Corktown, are scheduled to have neighbourhood plan reviews conducted this year and in 1994. Implementation of this recommendation should be done by the Neighbourhood Plan Review Teams for the respective neighbourhoods by designating, on the neighbourhood plans, those areas appropriate for mixed use development.

c) Bicycle Network in the Focus Area

The study recommends the detailed development of a bicycle network in the Focus Area. The Official Plan identifies the importance of bicycle networks and specifies that the routes be identified in neighbourhood plans. As the affected neighbourhoods, Beasley and Corktown, will be undergoing neighbourhood plan reviews in 1993 and 1994, it would be appropriate that the review teams be directed to identify bicycle routes within the Focus Area. In addition, the Ferguson Avenue Study is examining the issue of bicycle routes within its terms of reference and it would be appropriate to direct the Ferguson Avenue Redevelopment Advisory Committee to include bicycle links to the Focus Area within its study.

3. Public Plaza in front of the GO Station

The Planning and Development Department is currently undertaking the GO Station Area Study and the recommendation for the plaza is within this study's area. It would be appropriate that this recommendation be included within the GO Station Area Study to ensure consistency and coordination with that study's findings.

4. Fountains on Hughson Street

The CBD Study recommends three fountains to be installed within the Hughson Street road allowance. These would be located at: Hughson and Hunter Streets; Hughson Street in Gore Park; and Hughson Street at King William Street. The Parks Staff Advisory Committee is currently reviewing the location of the fountain in Gore Park. It would be appropriate to have the same body review the potential for locating the other two

fountains within the Hughson Street road allowance as this Committee is familiar with the issues and has had prior contact with the affected stakeholders. The results of the review would be reported to the Parks and Recreation Committee and the Planning and Development Committee.

5. Murals on the blank faces of buildings

The City's Art in Public Places policy provides a role for the City to act as a facilitator in the development of public art on private property. This includes murals on the blank faces of buildings. There is no provision, however, for municipal funds for public art on private property and, at this time, municipal funding is not available for public art for private buildings. However, private funding may be available and the existing role of the City, as a facilitator only, should continue with respect to encouraging public art on private property.

6. Permit On-Street Loading in the Focus Area

The Official Plan discourages on-street loading in the Central Policy Area (which governs the Focus Area) in Policy A.2.8.7. However, where circumstances warrant, on-street loading may be permitted and must be approved by Council. A broad policy shift to permit as-of-right on-street loading may create traffic problems in the Central Area. In addition, an amendment to the Official Plan, to exempt the Focus Area from the current policy of the Plan, would be required. It is recommended that the current site-specific practice continue, thereby permitting on-street loading as circumstances warrant.

7. Providing an accessible Focus Area

Significant work has been undertaken on providing accessible ramps at intersections in the City. The City's has established a Barrier Free Design Committee to examine and make recommendations regarding accessibility of municipal property in the City. It would be appropriate to request that the Focus Area be included in this Committee's review of accessible areas.

8. Design Guidelines

The Focus Area report contains guidelines for new development and redevelopment in the Focus Area (see APPENDIX "A"). Recommendations include the heights of buildings and the form of buildings. It would be appropriate that these guidelines be used to guide future development in the Focus Area.

9. Uniform Lighting

Uniform lighting standards can be developed during the study implementation with consultation with Urban Design Committee. These standards would guide future development and municipal work within the Focus Area. The proposed standards would be brought back to the Planning and Development Committee for adoption.

10. Comprehensive Sign By-law

The preparation of a comprehensive sign by-law for the Focus Area is recommended in the study's findings. However, the City's current regulations, through the Zoning By-law and Site Plan Control, adequately regulate signage in the Focus Area. Further, there does not appear to be any current problems with the manner in which signs are regulated in the Focus Area. Therefore, it is recommended that no action be taken on the preparation of a specific sign by-law for the Focus Area.

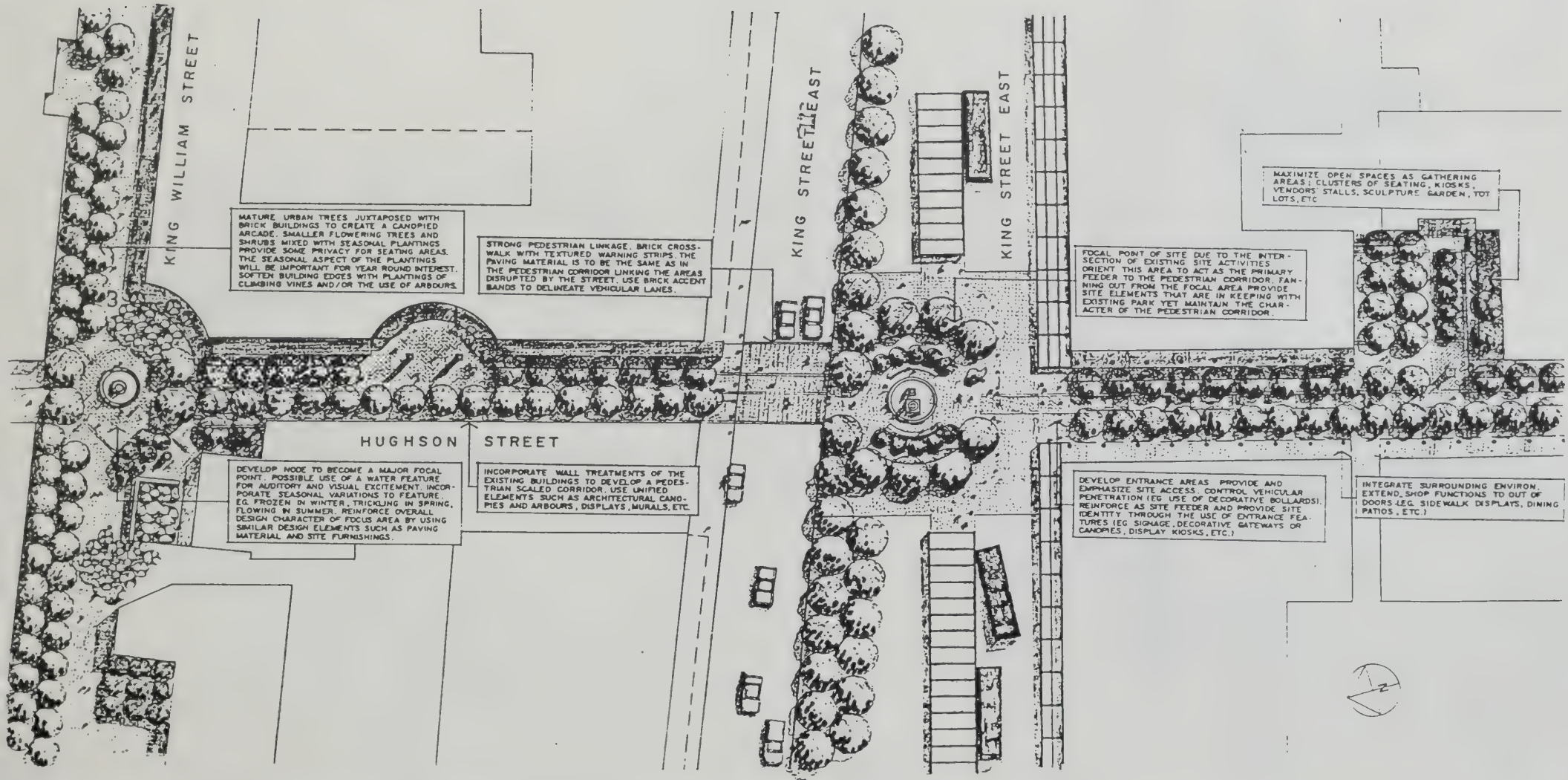
CONCLUSION:

On the basis of the foregoing, the recommendations for implementing the Guidelines for an Integrated Central Business District: Focus Area should be supported.

MLT:mlt

APPENDIX "A"

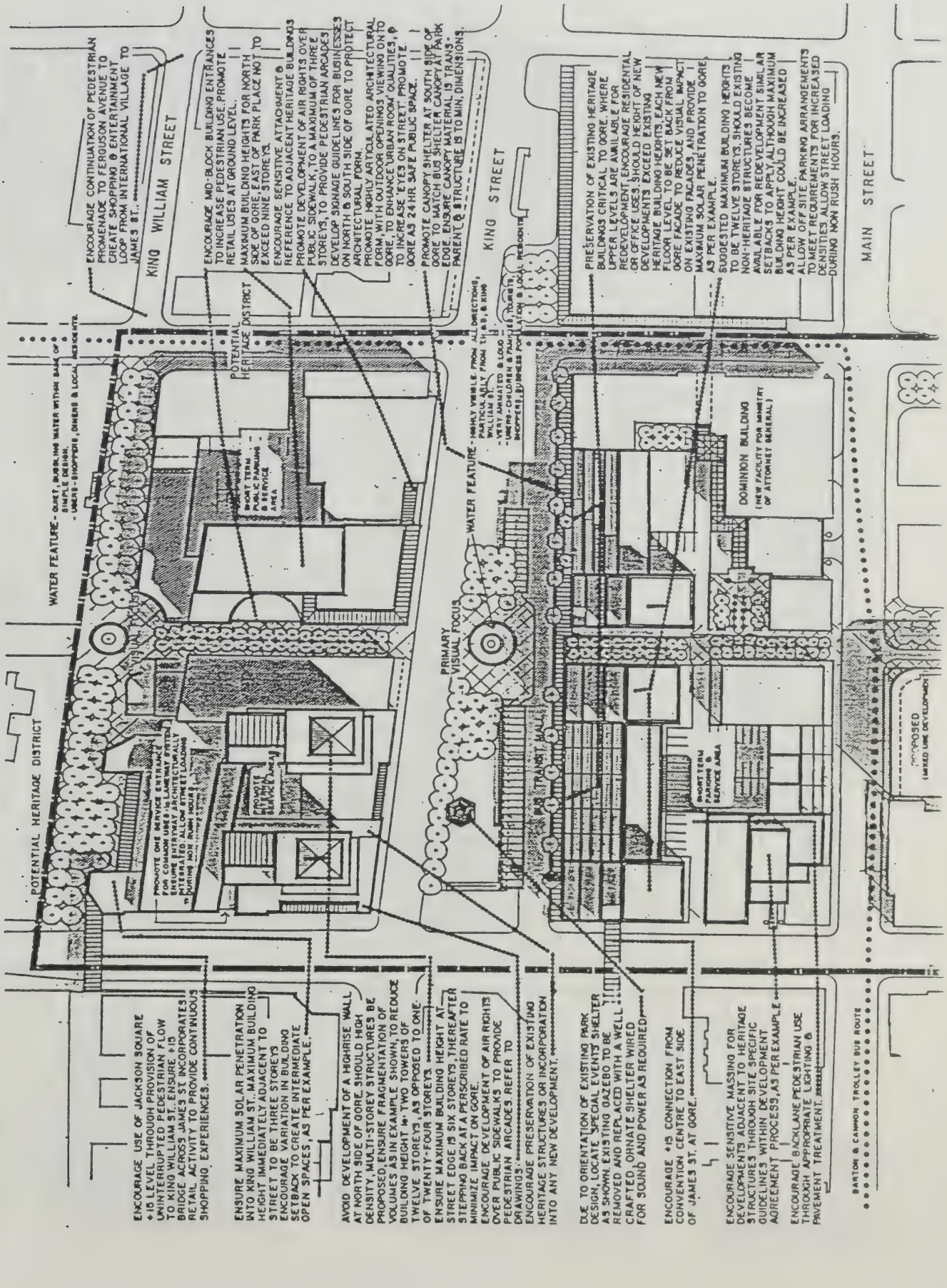
DESIGN GUIDELINES FOR STREETSCAPING - PLAN A



DESIGN GUIDELINES FOR STREETSCAPING · PLAN B

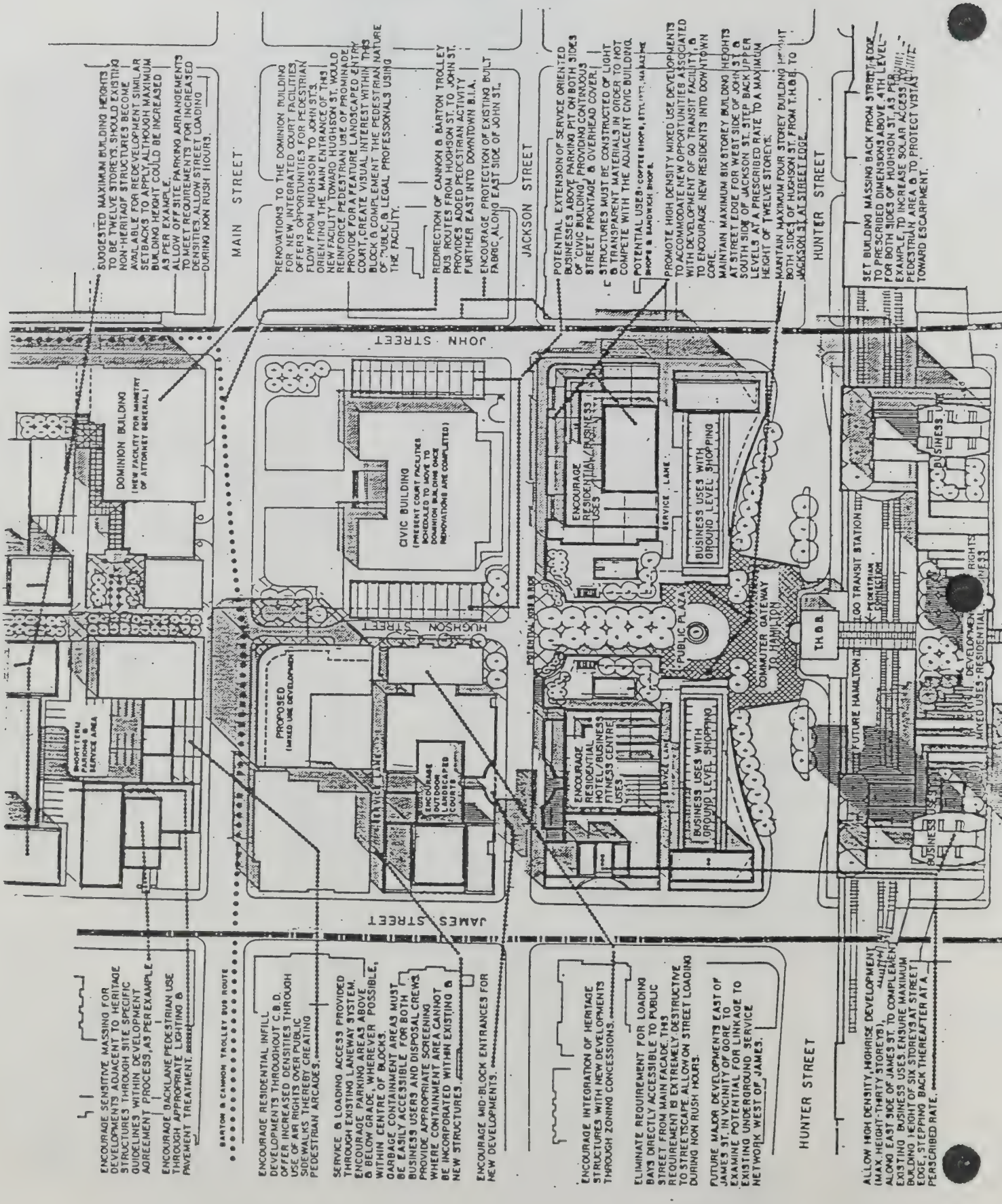
DEVELOPMENT CONCEPT PLAN

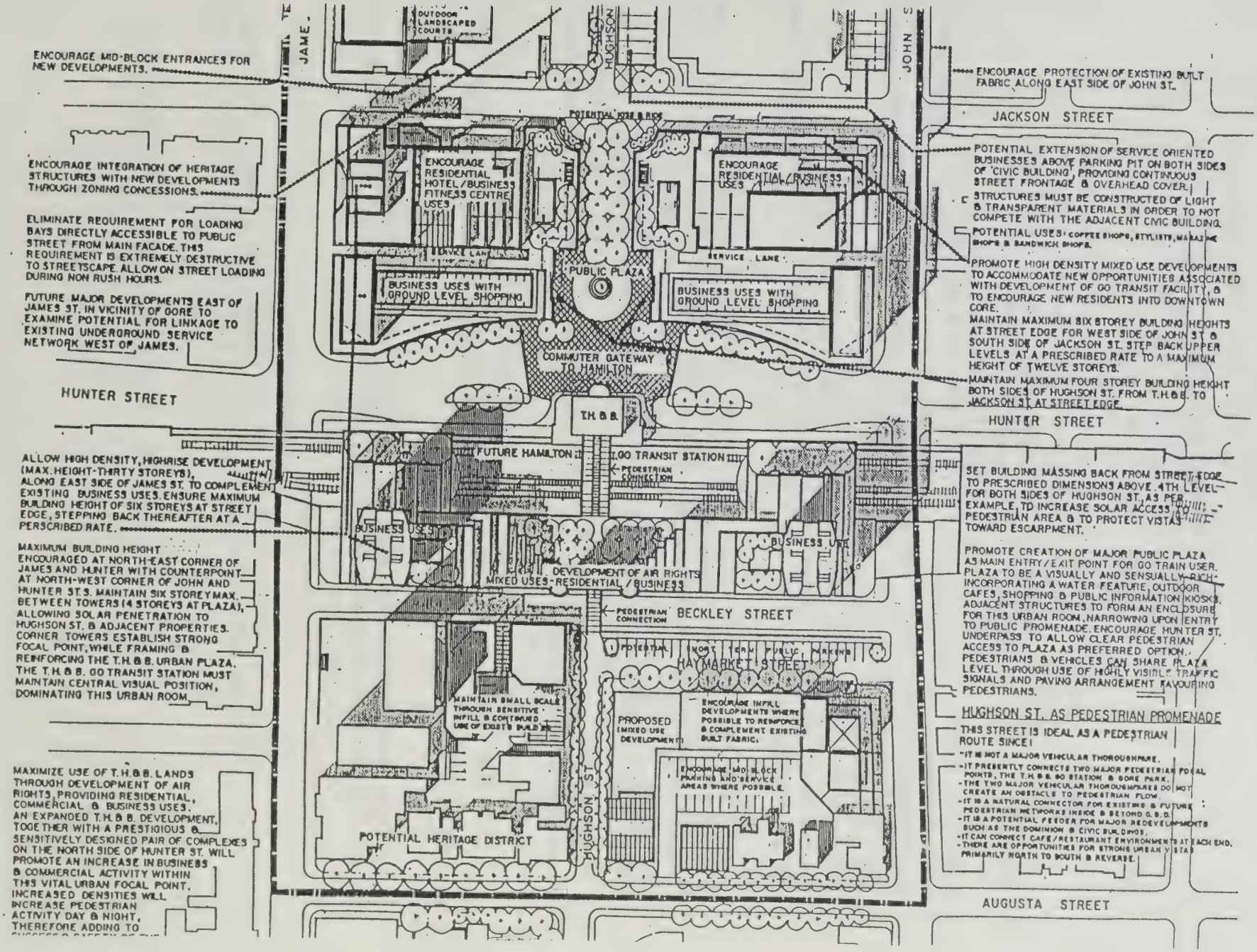
(KING WILLIAM STREET TO MAIN STREET)



DEVELOPMENT CONCEPT PLAN

(MAIN STREET TO HUNTER STREET)





DEVELOPMENT CONCEPT PLAN

(HUNTER STREET TO AUGUSTA STREET)

GUIDELINES FOR AN INTEGRATED CENTRAL BUSINESS DISTRICT
FOCUS AREA

PUBLIC MEETING
November 4,1992 7:30 pm.

MINUTES

Attending:

Alderman Fred Eisenberger	Chairman
John Mokrycke, Architect	Consultant
Roland Karl	Traffic Department
Vladimir Matus	Planning and Development Department
John Sakala	Planning and Development Department
Bill Janssen	Planning and Development Department
Lawrence Stasiuk	Public Works Department
Art Lomax	CAPIC
Peter Hill	Urban Design Committee

Approximently 35 other interested residents and business representatives

1. Alderman Eisenberger welcomed everyone attending to the meeting, outlined the purpose of the meeting and reviewed the structure of the meeting.

2. Bill Janssen outlined the background and history of the CBD Study, as well as what will happen next. He encouraged everyone to submit written comments to the Planning Department by December 1st.

3. John Mokryke presented the basis and conclusions of his study on the Hughson Street Focus area by way of a slide show.

4. Louis Lazzaro

   - a streetcar should be provided to bring people down the escarpment into the CBD.

5. Hal Costie, 36 Liberty St.

   - public saftey seems to be a reoccuring theme. In order for the public to be safe, more people should be living in the Cental Area.

   - more trees should be provided in the downtown, particularly on Hunter St. to Ferguson, in fron t of the TH&B Station.

6. Mr. McCracken, 64 Charlton W.

- concerned about the potential blocking off of Hunter St. in front of the station and the potential impact on Charlton St. which is already busy.

- John Mokrycke noted that in both options for Hunter Street Hunter whould remain open. One option is to depress Hunter, the other is for special paving to give pedestrains over cars

7. Mike Mokrycke, 46 Park Row St. S.

- Hughson Street can become an important pedestrian corridor in the central area. Therefore, the proposal should be expanded to allow Hughson St. to be connected to the Harbour as a pedestrain corridor.

8. Roberta Violin, 125 Park Street S.

- Supports concept

- concered that the large plazas and open spce areas proposed may not be used. Existing plazas such as Commonwealth Square and Jackson Square sould be empahsised.

- trees planted in front of hisoric building could detract from the structure. Care should be given for the placement of trees.

- what special image is the Hughson Street proposal trying to project.

- John Mokrycke stated that while a specific image was not identifed it is hoped that the street furniture and function of the corridor will attract people.

9. Marvin Caplan, 140 King Street E.

- how will corridor help the merchants to the East?

- are there objections to closing the street?

- John Mokrycke suggested that wil the street closed more people will be using the street therefore there will be a safer environment. It is also hoped that will more people on the corridor ther will be a greater attraction

to the businesses to the east. However, it was noted that an anchor to the east is need to attract more shoppers further east. In addition it was noted that some local acess may be needed on Hughson Street.

10. Sandy Morenzic, 32 Flatt Ave.

- how do we encourage greater winter use of the corridor?

- John Mokrycke advised that this could be done through:

  ° increased lighting;
  ° closing the road off for vehicles; and,
  ° adding appropriate street funiture and colour.

11. Vince Coome, 196 Upper Paradise Rd.

- ther is need to protect Hunter Street and not close it. The depressed Street as proposed is prferred.

12. Hal Costie, 36 Liberty Street

- When will this happen? He was told this is along term proposal.

- an ice rink in the corridor would be attractive and encourage winter use.

13. Emil Fusard, 84 John St. S.

- is there enough parking to serve people coming to use the pedestrian corridor?

- Alderman Eisenberger suggested that there is already enough parking in the area. The Parking Authority is proposing that a new garage be built at the site of the Health Building which is of concern to some Aldermen.

14. Marvin Caplan, 140 King Street E.

- we need to provide activities to attract prople, if not the spaces suggested may not be used, as above Jackson Square.

15. Jim Sykes, 79 James Street S.

- our public spaces are not inviting for people. Attractions, activities and street funiture are needed to

bring more people to the downtown.

16. David Jansen, Nork Partnerships Ltd.

- as the consultant working on plans for the redevelopmetn of the Court House the following points were noted:

  - more residential development is needed in the Central Area for the proposal to be successful. More people will bring more retail uses.

  - access may be required for the Court House off Hughson Street. This has not yet been finally determined.

  - pedestrian traffic may be directed to the outside of the Court House or within. This will be determined after further study.

17. Hal Costie, 36 Liberty Street

- access to Hughson Street from the Escarpment should be considered, with accessiblity for the handicapped.

Copy sent to V. Abraham, Director of Local Planning, Planning Department - 1992 November 24

526-8864

RECEIVED
NOV 23 1992
CITY CLERKS

H. Gaasenbeek
19 Flatt Avenue
Hamilton, Ontario
L8P 4M9

PS-92-3-18

PLANNING & DEVELOPMENT DEPARTMENT
LOCAL PLANNING DIVISION
NOV 25 1992
TO | INITIAL | INFO | ACT
BJ (3)
VM
BJS

November 19, 1992

Secretary - City Planning and
Development Committee
The Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Chairman and Members of the Planning and Development Committee:

Re: C.B.D. Study

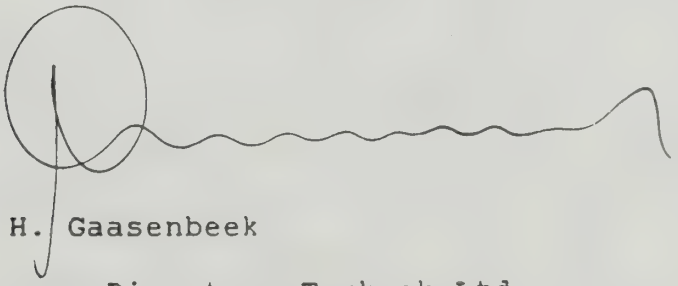
I am writing on behalf of Torbeek Ltd., the owner of an office building located at 131 John St. South, at the south-east corner of the T.H.&B. railway and John St. The C.B.D. Study proposals, if implemented, should help to not only beautify the C.B.D. but better integrate the GO station with the downtown, both from a visual and pedestrian standpoint.

However, Torbeek Ltd. does have a serious concern about the study recommendation with regard to the future use of the strip adjacent to the "focus area" in the vicinity of 131 John St. South. It reads: "Mixed use, professional offices and low rise residential - max. 4 storeys" and "Predominant existing landuse of areas adjacent to focus area. Future developments should maintain the predominant existing landuse of the area". Torbeek Ltd. intends to request a rezoning to permit the construction of a 13 storey office tower to be attached to the rear of its existing 3 storey building, with vehicular access from Catharine St. South and pedestrian access from both John and Catharine Streets. Preliminary working drawings prepared by an architect have been submitted to the Planning and Traffic departments for their review and comments.

It would seem an appropriate planning principle to allow for a substantial increase in office capacity within the immediate walking distance of the GO station to encourage greater and more efficient use of both train and bus services.

It is my understanding that another study will be commissioned shortly to consider the development potential of the area surrounding the GO station. Torbeek Ltd. welcomes such a study, with the hope that it will address the issue of higher density development and its integration with the GO station, as well as other existing development.

Respectfully submitted,



H. Gaasenbeek

cc: Directors Torbeek Ltd.

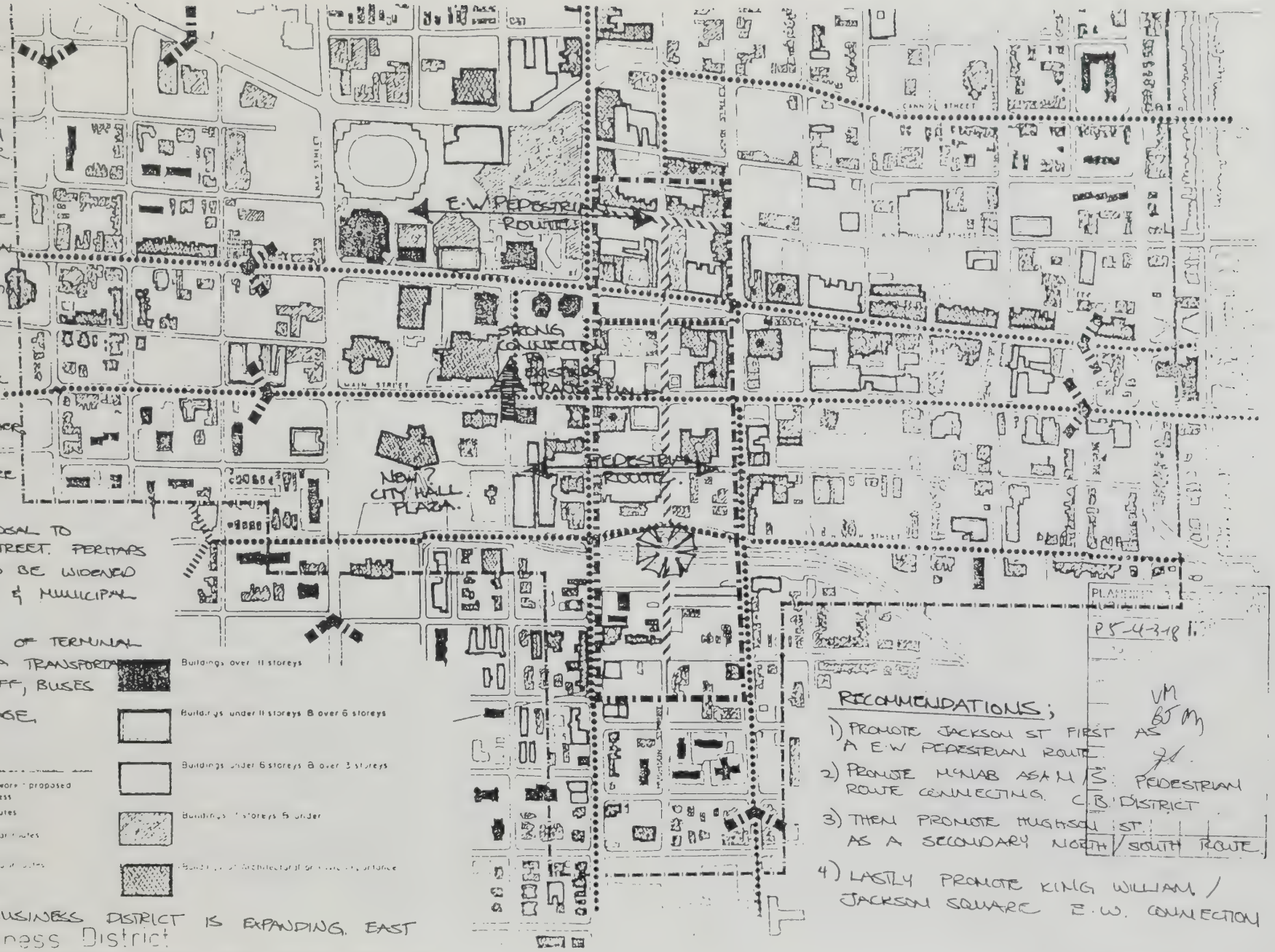
MENTS;

GREE WITH PRINCIPLES BROUGHT FORWARD ON SEPARATING PEDESTRIAN ROUTES WITH VEHICULAR. HOWEVER I BELIEVE AN E-W ROUTE IS MORE CRITICAL THAN A NORTH/SOUTH ROUTE.

THERE IS MUCH POTENTIAL ALONG JACKSON ST. & THE STRONG CONNECTION TO THE TRANSIT MALL WHICH PERHAPS COULD BE ENLARGED BY CLOSING MCNAB (TRAFFIC DEPT. SCREAMS!) BUT GET THE BUSSES TOGETHER & MOST IMPORTANTLY — GET THEM OUT OF GORE PARK.

2) I LIKE THE PROPOSAL TO LOWER HUNTER STREET. PERHAPS AREA BELOW COULD BE WIDENED FOR KISS N RIDE & MUNICIPAL BUSSES.

3) THE AREA SOUTH OF TERMINAL NEEDS MORE OF A TRANSPORT FOCUS - IE DROP-OFF, BUSES & A PARKING GARAGE.



4) THE CENTRAL BUSINESS DISTRICT IS EXPANDING. EAST FROM MCNAB. WHEN PEOPLE LEAVE THE STATION THEY WILL WANT THE MOST DIRECT ROUTE TO THE OFFICE

Central Business District

RECOMMENDATIONS;

1) PROMOTE JACKSON ST FIRST AS A E-W PEDESTRIAN ROUTE.
2) PROMOTE MCNAB AS A N/S PEDESTRIAN ROUTE CONNECTING C.B.D. DISTRICT
3) THEN PROMOTE HUGHSON ST. AS A SECONDARY NORTH/SOUTH ROUTE.
4) LASTLY PROMOTE KING WILLIAM / JACKSON SQUARE E-W CONNECTION

5) I QUESTION ALL THE PLAZAS WE DON'T USE THE ONES WE HAVE, MILLING/GATHERING SPACES YES! PLAZAS NO!

PLANNING
PS-4-318

VM
BS
MJ

J. McDermott

FROM Gene Holowchak #1008 - 1950 Main St W Hamilton Ont.

DEPARTMENT PS-4-3-18

SEND TO

DATE Nov 5/92

SUBJECT Integrated Central Business District.

MESSAGE

The ideas for revitalizing the down town core are very good. The only problem I see with the plan is the "bricking" of King Street (at Hughson). Even though street stop lights would be installed, I believe that some people would think the crossing would give pedestrians the right of way in any situation. I say this because of the continuity between true pedestrian ~~cros~~ walkways and the crossing at King St. I suggest leaving the intersection as is, just like Main street will be left as is.

Gene Holowchak

PLANNING & DEVELOPMENT DEPT
LOCAL PLANNING DIVISION
FILE NO. 5-4-3-18 NOV 09 1992

TO | STAFF | INIT | ACT

JM
BJ BB

DATE

LAST

ADMIN.

JOHN 2
FOR YOUR FILE

V.

REPLY FROM

A 10-E or D 590. D 4905 (50 pkg.)

s-marque® INTER-OFFICE MEMO

TO REPLY: RETAIN WHITE ORIGINAL — RETURN PINK

Copy sent to V. Abraham, Director of Local Planning, Planning Department - 1992 November 24

RECEIVED 8(a)

NOV 23 1992

CITY CLERKS

H. Gaasenbeek
19 Flatt Avenue
Hamilton, Ontario
L8P 4M9

November 19, 1992

Secretary - City Planning and
Development Committee
The Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Chairman and Members of the Planning and
Development Committee:

Re: C.B.D. Study

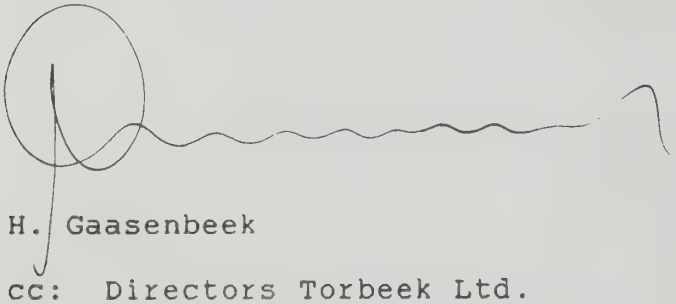
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However, Torbeek Ltd. does have a serious concern about the study recommendation with regard to the future use of the strip adjacent to the "focus area" in the vicinity of 131 John St. South. It reads: "Mixed use, professional offices and low rise residential - max. 4 storeys" and "Predominant existing landuse of areas adjacent to focus area. Future developments should maintain the predominant existing landuse of the area". Torbeek Ltd. intends to request a rezoning to permit the construction of a 13 storey office tower to be attached to the rear of its existing 3 storey building, with vehicular access from Catharine St. South and pedestrian access from both John and Catharine Streets. Preliminary working drawings prepared by an architect have been submitted to the Planning and Traffic departments for their review and comments.

It would seem an appropriate planning principle to allow for a substantial increase in office capacity within the immediate walking distance of the GO station to encourage greater and more efficient use of both train and bus services.

It is my understanding that another study will be commissioned shortly to consider the development potential of the area surrounding the GO station. Torbeek Ltd. welcomes such a study, with the hope that it will address the issue of higher density development and its integration with the GO station, as well as other existing development.

Respectfully submitted,



H. Gaasenbeek

cc: Directors Torbeek Ltd.

9.

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
JUN 18 1993
CITY CLERKS

DATE: 1993 June 17

REPORT TO: Mrs. Tina Agnello
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

SUBJECT: Commercial Improvement Programme -
Business Improvement Areas

RECOMMENDATION:

a) That staff be authorized to defer the expenditure of $458,000, from the Commercial Improvement Program pending the outcome of the Capital Budget deliberations resulting from the anticipated reduction in Provincial transfer payments.

D. Lobo, Director
of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

City Council on 1987 January 29 approved the Department of Community Development's Capital Budget Submission of $500,000. per year for the next 5 years for a total of $2,500,000. for the Commercial Improvement Program. The Account Number is CF 5000 428705000.

BACKGROUND:

The Commercial Improvement Program was established to fund streetscape improvements on publicly owned lands within Hamilton's Business Improvement Areas (B.I.A's). Since 1987 B.I.A.'s have applied annually to the Community Renewal Section of the Public Works Department for funding requests of various streetscape improvements. These improvements have included items such as: benches, banners, planters, alleyway lighting, garbage

containers and paving of alleyways. The maintenance of these items has impacted the Current Budget of other Sections of the Public Works Department. $458,000. of the remaining funds has been allocated to implement the following: eligible 1993 B.I.A. requests; streetscape improvements for new or expanding B.I.A.'s; and, funding 50% (to a maximum of $5,000. per request) for murals that are placed on vacant buildings within the B.I.A.'s.

To date the B.I.A.'s have received letters identifying the pertinent amount of funding available for 1993 implementation but commitment to vendors has not taken place apart from $5,000. towards a mural for the Downtown Hamilton B.I.A.

c.c. Mr. A. Ross
City Treasurer

10.

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1993 JUNE 23

CONSENT AGENDA

A. **ADOPTION OF THE MINUTES**

Minutes of the Planning and Development Committee meeting held 1993 May 19

B. **SECRETARY, LACAC**

Designation of Barton Stone United Church Cemetery, 21 Stone Church Road West

C. **DIRECTOR OF PROPERTY**

Release of Building Covenants, City Sale to Bortolotto and Tomassetti - 35 Milburn Road, Hamilton

D. **SENIOR DIRECTOR, ROADS DEPARTMENT**

Wisemount Estates - Phase 3, Cash in Lieu of 5% Parkland Dedication

E. **BUILDING COMMISSIONER**

(a) Building Demolition of 275 Bay Street North

(b) Hamilton Emergency Loan Programme - 210 MacNab Street North

(c) Community Heritage Trust Fund

(d) Demolition Permits:

i. 765 West 5th Street
ii. 1086 West 5th Street
iii. 1090 Upper James Street
iv. 1094 Upper James Street
v. 1445 Upper Sherman Avenue
vi. 31 Argyle Street
vii. 1889 Main Street East

F. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

(a) Application H-93-3, 800064 Ontario Limited for removal from part lot control, for Claudette Gardens - Phase 3; Falkirk East Neighbourhood

(b) CDM-CONV-H-9301, 839616 Ontario Limited, to establish a draft plan of condominium lands at Main Street East and Wentworth Street South; Gibson Neighbourhood

(c) Request to amend the Hamilton-Wentworth Official Plan to permit the "Canuck 750" Sports Coliseum

(d) Central/Beasley Neighbourhood Plan Review Team

G. **SECRETARY, PLANNING AND DEVELOPMENT**

Information Items

Wednesday, 1993 May 19
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:	Alderman D. Drury, Chairperson Alderman F. Eisenberger, Vice-Chairperson Alderman Wm. McCulloch Alderman D. Wilson Alderman B. Charters Alderman H. Merling Alderman F. D'Amico Alderman M. Kiss
Regrets:	Mayor Robert M. Morrow (Civic Business)
Also Present:	Alderman T. Anderson Victor Abraham, Director of Local Planning Paul Mallard, Planning Department Bill Janssen, Planning Department John Sakala, Planning Department Lou Lanza, Regional Planning Department Art Zuidema, Law Department Len King, Building Commissioner Peter Lampman, Building Department Roland Karl, Traffic Department Eugene Chajka, Roads Department Mike Watson, Property Department Tina Agnello, Secretary

1. **Zoning Application 92-48, 891157 Ontario Inc. (Roy Yates), owner, for a further modification to the "HH" District regulations, for property located at No. 1010-1024 Upper Wentworth Street; Bruleville Neighbourhood**

Two submissions were received by Ralph DeNardis, 42 Titmouse Court, Hamilton

Nick Difillipis, Steve Hill and John McDonald were present on behalf of the applicant.

Paul Mallard advised that the request is for an Official Plan Amendment and zoning modification. A site plan has been submitted but is being held in abeyance pending he outcome of the zoning application. Traffic Department has stated concern with an all direction access onto Upper Wentworth Street. Traffic Department would prefer to allow left turns going northbound.

Mr. Mallard continued by explaining various special provisions which will be implemented if the application is approved. The rezoning will be placed in a holding provision until the site plan and access agreement is completed. The restaurant is to be restricted to 375 square metres. Landscape strips adjacent to the Cemetery, Titmouse Court, and Upper Wentworth Street are to be provided. A minor variance must be obtained for a sign adjacent to Upper Wentworth Street.

Of 499 notices circulated 27 replied in favour and 13 replied as opposed.

Alderman Wilson was concerned with the effects on the residential neighbourhood on Titmouse Court.

Nick Difillipis stated that the site plan was submitted in December, 1992 and there are no surprises in the plan. He did not agree that the holding provision is necessary and said that the plans are sensitive to the residential area behind the development.

After brief discussion a motion was placed on the floor to refer the application back to staff, and was defeated.

As recommended by the Commissioner of Planning in a report dated 1993 May 12 the Committee recommended to Council as follows:

A. That approval be given to Official Plan Amendment No. 121 to modify Policy A.2.9.3.28, (pertaining to Special Policy Area 33) to add a "notwithstanding" clause to permit a restaurant for property known as 1010 - 1024 Upper Wentworth Street, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

B. That approval be given to amended Zoning Application 92-48, 891157 Ontario Inc. (Roy Yates), owner, requesting a further modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations to permit a restaurant, on lands at 1010-1024 Upper Wentworth Street, as shown on the attached map marked as Appendix "A", on the following basis:

(a) That the amending by-law apply the holding provisions of Section 36(1)of the Planning Act, R.S.O., to the subject lands by introducing the holding symbol 'H' as a suffix to the modified Zoning District. The holding provision will prohibit development of the subject lands until the applicant has applied for and received approval for:

i. a Site Plan Control application; and,

ii. all access approvals and amendments from the Regional Council, as required by the Roads Department.

Removal of the holding restriction shall be conditional upon the approval of the Site Plan Control application for the subject lands, and approval by Regional Council of all access agreements and amendments, as required by the Roads Department.

City Council may remove the 'H' symbol, and thereby give effect to the "HH" District provisions as stipulated in this By-law by the enactment of an amending By-law.

(b) That the "HH" (Restricted Community Shopping and Commercial) District regulations as set out under Section 14A of Zoning By-law No. 6593, as amended by By-law No. 85-171, applicable to the subject lands, be further modified to include the following variances as special requirements:

i. Notwithstanding Section 14A(1) of By-law No. 6593, the following use shall be permitted:

a restaurant without any dancing or other entertainment except music and having a maximum gross floor area of 375 m^2 (4,037 square feet);

ii. A minimum 3.0 m (9.84 feet) wide landscape planting strip shall be provided and maintained along the southerly lot line;

iii. A minimum 3.0 m (9.84 feet) wide landscape planting strip shall be provided and maintained along the easterly lot line, except for access driveways;

iv. A minimum 6.0 m (19.68 feet) wide landscape planting strip shall be provided and maintained along the westerly lot line;

v. A visual barrier of not less than 1.2 m (3.93 feet) in height and not more than 2.0 m (6.56 feet) in height shall be provided and maintained within the landscaped planting strip along the westerly lot line;

vi. A visual barrier of not less than 1.2 m (3.93 feet) in height and not more than 2.0 m (6.56 feet) in height shall be provided and maintained along the southerly lot line; and,

vii. Notwithstanding Section 14A(3)(a), a second ground sign shall be permitted with a minimum front yard depth of 4.5 m (14.77 feet).

(c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-922c, and that the subject lands on Zoning District Map E-18A be notated S-922c;

(d) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-18A for presentation to City Council; and,

(e) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 121 by the Regional Municipality of Hamilton-Wentworth.

*** Alderman H. Merling Opposed.**

2. DIRECTOR OF PROPERTY

Sale of North Half of Part 1 and all of Part 5 on Plan 62R-8770 1632 Upper Ottawa Street to Giacomo Angelini

As recommended in a report dated 1993 May 13 the Planning and Development Committee recommended to Council as follows:

(a) That an Offer to Purchase from the Corporation of the City of Hamilton, duly executed by the purchaser, Giacomo Angelini, on May 11, 1993 and scheduled to close on September 17, 1993, for the lands being composed of the north half of part 1 and all of Part 5 on Plan 62R-8770, known as 1632 Upper Ottawa Street, be approved and completed. The purchase price is $110,000. A required deposit cheque in the amount of $11,000. is being held by the City Treasurer pending Council approval, with the proceeds to be credited to Account No. CH 4X501 00102 (Property Sales - Reserve for Property Purchases).

(b) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

3. CHIEF ADMINISTRATIVE OFFICER/COMMISSIONER OF PLANNING AND DEVELOPMENT

Hamilton GO Transit Centre at 36 Hunter Street; Corktown Neighbourhood

John Sakala discussed 3 items which have been dealt with in the report as follows:

1) Alternate designs incorporating pedestrian movement on the Hunter Street facade.

2) Barrier free accessibility and canopy over Haymarket and Hughson Street connection.

3) Inclusion of various items such as lighting, canopies, barrier free design.

Mr. Sakala explained that a public meeting is being held the evening of May 19th regarding the layover yard.

A brief discussion ensued regarding the Hunter Street entrance and whether or not metered parking would be limited and if a "stopping only" area will be incorporated.

Mr. Abraham added that the Hughson Street connection would eventually stretch to St. Joseph's Hospital as a Transit mall.

As recommended in a report dated 1993 May 11 the Committee recommended to Council as follows:

That in regard to the development of the Hamilton GO Transit Centre at 36 Hunter Street, that the following be endorsed:

(a) That the alternative design concept of the Hunter Street frontage as shown on Appendix "B" be approved in principle and be forwarded to the Transport and Environment Committee for consideration and direction to work with GO Transit representatives for its implementation;

(b) That the proposed ramp and reconstructed steps at Hughson and Haymarket Streets including a canopy as an extension of the Transit Centre roof structures form part of the development; and

(c) That updated plans included Site, Grading, Landscape and Canopy elevations be submitted for approval which should include the following:

i. an extended vestibule area at the south entrance;
ii. extended canopies along Hunter Street toward John and James Streets;
iii. notation of paving treatment for pedestrian crossings; and
iv. barrier-free access design features.

4. BUILDING COMMISSIONER

(a) **Building Permit Fees**

Peter Lampman advised that the fees have been lowered to more accurately reflect the work being completed.

In response to a question from Alderman Merling, Mr. Lampman said that in most cases, this type of work is inspected only once.

As recommended in a report dated 1993 May 4, the Committee recommended to Council as follows:

That the City Solicitor be directed to prepare an amendment to the Building Code By-law 85-86 to amend the building permit fee for the following construction:

	Existing	Proposed
Installation of air conditioning unit	$150.	$75.
Installation of a heat pump	$150.	$75.
Reshingling of roof for single family dwelling	$150.	$75.
Demolition of garage or shed of single family dwelling	$150.	$75.
Any construction where the construction cost is less than $1000.	$150.	$75.

(b) **Proposed Amendments to the Regional Development Charges By-law R90-082**

Alderman Merling, Wilson, D'Amico and Charters were pleased with the report. They were concerned that the regional by-law discourages infilling development and that because of the various policies in the report, the City will lose its competitive edge in the building market.

As recommended in a report dated 1993 May 13, the Committee recommended to Council as follows:

A. That the Mayor be authorized and directed to forward the following comments to the Region of Hamilton-Wentworth respecting the report by C.N. Watson & Associates on proposed changes to the Regional Development Charges By-law #R90-082.

(a) That the City of Hamilton support:

i. A review of all costs related to development.

ii. Financial policy guidelines for Deferred Payment Agreements.

iii. Calculation of non-residential charges on a square foot basis instead of an acreage basis.

iv. Farm exemptions.

v. No exemptions for institutional uses other than the mandatory exemption provided by the Development Charges Act.

vi. The continuation of the policy of providing a credit for conversion of existing space.

B. That the City of Hamilton is opposed to the recommendation for the period to which a credit will be granted for exemptions for property where building was previously located on the lot be reduced from ten years to three years for the following reasons:

i. The reduction in credit will unfairly penalize redevelopment in the City of Hamilton to the benefit of greenfield development in other areas.

ii. Reduction in the credit period from ten to three years will discourage rather than encourage redevelopment.

iii. It is contrary to the Region's planning strategy dealing with intensification of existing properties and does not result in optimum use of previously developed serviced lands of which the City has a surplus.

iv. It is in contradiction to the Region's support for sustainable development.

C. That the City of Hamilton oppose the recommendation that infill development be required to pay the same charge as all other forms of development for the following reasons:

i. The proposal will discourage infill development.

ii. The charge for infill will be the same as for greenfield development which will penalize the City of Hamilton in relation to outlying municipalities.

iii. Infill development needs incentives in order to encourage conversion of existing buildings and utilization of existing property which is already serviced and maintained by the City. New development may reduce serving costs while at the same time increase assessment.

The City already promotes infill development by exempting ten residential units or less from development charges and from many requirements under the Zoning By-law.

D. That the City of Hamilton oppose the recommendation to continue the policy of uniform development charges throughout the entire region for the following reasons:

i. There is no equity between greenfield developments occurring in the outlaying portion of the Region and the City of Hamilton.

ii. There are specific areas within the City which should be exempt from any development charges as there are already adequate services provided and, in fact, the total demand for services in these areas has declined.

iii. Due to projected population growth and anticipated demand on services, most of the City does not require the provision of any hard services or increase in pipe sizing.

E. That the City of Hamilton has no comment on the remaining recommendations.

5. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1993 May 5 were approved as circulated.

REPORTS

The Planning and Development Committee forwarded to Council the recommendations of various reports in the Consent Agenda as follows:

B. BUILDING COMMISSIONER/CITY SOLICITOR

By-law 81-160, Signs over Sidewalks and Highways dated 1993 May 13:

(a) That City Council enact a by-law to amend By-law 81-160 regulating Signs over Sidewalks and Highways to provide for the following:

i. To amend Section 8 by deleting "display sign structure" and add the words "display sign and sign structure" to coincide with definitions contained in Section 1.(d) and 1.(e) of the By-law.

ii. To amend Section 9 regarding penalty to comply with the requirements of the Provincial Offences Act.

(b) That the City Solicitor be directed to prepare the appropriate by-law for Council's consideration.

C. BUILDING COMMISSIONER

(a) **Demolition of 1383 Upper James Street dated 1993 May 10:**

That the Building Commissioner be authorized to issue a demolition permit for 1383 Upper James Street.

(b) **Commercial Loan Programme, 988 King Street West dated 1993 May 11:**

That a Commercial Loan in the amount of ten thousand dollars ($10,000.) be approved for John and Helen Mouskos. The interest rate will be 3 per cent, amortized over 10 years.

D. COMMISSIONER OF PLANNING AND DEVELOPMENT

(a) **Proposed Draft Plan of Subdivision 25T-92008, Sheldon Estates Subdivision, Brittania Decorating and Painting Limited, owner, to establish a draft plan of subdivision on the south side of Stone Church Road, Garth Street and West Fifth, Sheldon Neighbourhood dated 1993 May 11:**

(a) Proposed Draft Plan of Subdivision 25T-92008, Sheldon Estates Subdivision, Brittania Decorating and Painting Limited, owner, to establish a draft plan of subdivision on the south side of Stone Church Road, between Garth Street and West Fifth, Sheldon Neighbourhood dated 1993 May 11:

A. That approval be given to application 25T-92008, Sheldon Estates, Brittania Decorating and Painting Limited, owner, to establish a draft plan of subdivision, on the south side of Stone Church Road, between Garth Street and West Fifth Street, subject to the following conditions:

(a) That this approval apply to the plan, as revised in red, prepared by A.T. McLaren Limited, drawing number 25454 dated July 7, 1992 showing 22 lots for single family dwellings, a block for future residential purposes and a block for a 0.3m reserve.

(b) That Lots 4 to 11 (inclusive) not be developed until the lands to the east have been registered under a plan of subdivision or a suitable storm and sanitary sewer outlet can be made available either, through the lands to the east, or alternatively, from Chesley Street, through an optional connection designed to the satisfaction of the Commissioner of Transportation/Environmental Services.

(c) That the Owner acquire the necessary lands to establish the road allowance along the flankage of Lot 19 and the frontage of Lots 20 to 22 (inclusive) to its full width and that these lands be incorporated into the Final Plan of Subdivision or, alternatively, transferred to the City of Hamilton so that they be opened by By-law prior to registration of the Final Plan of Subdivision.

(d) That the lands required for the road allowance adjacent to the flankage of Lot 17 and the frontage of Lot 18 and 19 be established to its full width prior to registration of the Final Plan of Subdivision.

(e) That Block 23 be developed only in conjunction with the adjacent lands to the north.

(f) That the portion of the road allowance bulb adjacent to Lots 21 and 22 which is within the limits of the subdivision be shown on the Final Plan as a separate Block and dedicated to the City of Hamilton as a public highway.

(g) That the Owner acquire sufficient lands on the west side of Chesley Street (1.032 metres) and sufficient lands on the east side of Chesley Street (3.00 metres) to establish the road allowance on Chesley Street at 24.032 metres for a distance of approximately 78 metres, which distance is to coincide with the side lot lines of Lots 2 and 3 on the east side and Lot 13 and Block 23 on the west side of Chesley Street.

(h) That the Owner acquire the necessary lands to establish a 7.50m x 7.50m daylight triangle at the widened limits of Chesley Street and Stone Church Road West, on both the east and west side of Chesley Street.

(i) That the Owner acquire sufficient lands to dedicate a 5.18m strip of land to the Region for road widening purposes on Stone Church Road West between the limits of the two daylight triangles where they intersect Stone Church Road West.

(j) That the owner establish a 2.0m x 2.0m daylight triangle on the corner of Lot 17 at the L-shaped bend in the road.

(k) That Chesley Street, south of Stone Church Road West, align centreline to centreline with the existing portion of Chesley Street north of Stone Church Road West.

(l) That the Owner be required to enter into subdivision agreements with both City of Hamilton and the Region prior to the development of any portion of these lands.

(m) That the Owner pay the full cost of municipal services on both sides of the roadway, less any oversizing, for above ground and below ground works installed on Chesley Street from Stone Church Road southerly, to the south limit of "Sheldon Estates" subdivision.

(n) That the final plan not be approved until such time as municipal sewers, water and adequate road access are available to service the lands.

(o) That the streets be dedicated as public highways on the final plan to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(p) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(q) That the final plan conform with the Zoning By-law approved under the Planning Act.

(r) That such easements as may be provided for utility or drainage purposes be granted to the appropriate authority.

(s) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the total area in the final plan.

(t) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(u) That any dead-ends or open sides of the road allowances created by the final plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and held by the City until required for future extension of the road allowances.

(v) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

(w) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

B. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-92008), Brittania Decorating and Painting Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and

C. That the Regional Commissioner of Planning and Development be advised of Council's decision.

(b) Request to remove Part Lot Control for Phase III, Edan Heights Subdivision, Registered Plan No. 62M-730 dated 1993 May 10:

(a) That the appropriate by-law to remove part-lot control from the lots in the Edan Heights, Phase 3 plan of subdivision, 62M-730, be enacted by Council.

(b) That following enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse same on the by-law.

(c) Proposed renaming of Gondola Street; Gourley Neighbourhood dated 1993 May 6:

(a) That approval be given to the proposed renaming of Gondola Street to Duncairn Crescent;

(b) That authorization be given to hold a Public Meeting regarding the proposed name change;

(c) That the City Solicitor be directed to prepare a by-law regarding the proposed name change.

E. SECRETARY, PLANNING AND DEVELOPMENT

Information Items

As recommended in a report dated 1993 May 12, the Committee received the following reports and correspondence for information purposes:

(a) Director of Public Works: Application for Funding Under the Federal Job Development Grant Programme dated 1993 May 3.

(b) Director of Public Works: Revitalization of Barton Street dated 1993 May 5.

(c) Commissioner of Planning and Development: Approved Site Plan Control Application dated 1993 May 12.

6. CONFIDENTIAL AGENDA

BUILDING COMMISSIONER

Hamilton Assistance Rehabilitation Programme - Registration of Loan on Tax Rolls - Mr. & Mrs. D. Arbeau, 121 Adeline Avenue, Hamilton

As recommended in a report dated 1993 May 4, the Committee apposed the following recommendation:

> That the total outstanding Hamilton Assistance Rehabilitation Programme Loan for Mr. and Mrs. D. Arbeau, 121 Adeline Avenue, Hamilton in the amount of $3,806.49 be placed on the Tax Rolls.

7. OTHER BUSINESS

A discussion ensued regarding the LACAC, Urban Design Committee and CAPIC minutes

It was determined that Alderman Drury, Eisenberger, Kiss, and Wilson are to receive copies of the minutes of these Sub-Committees with their agenda packages.

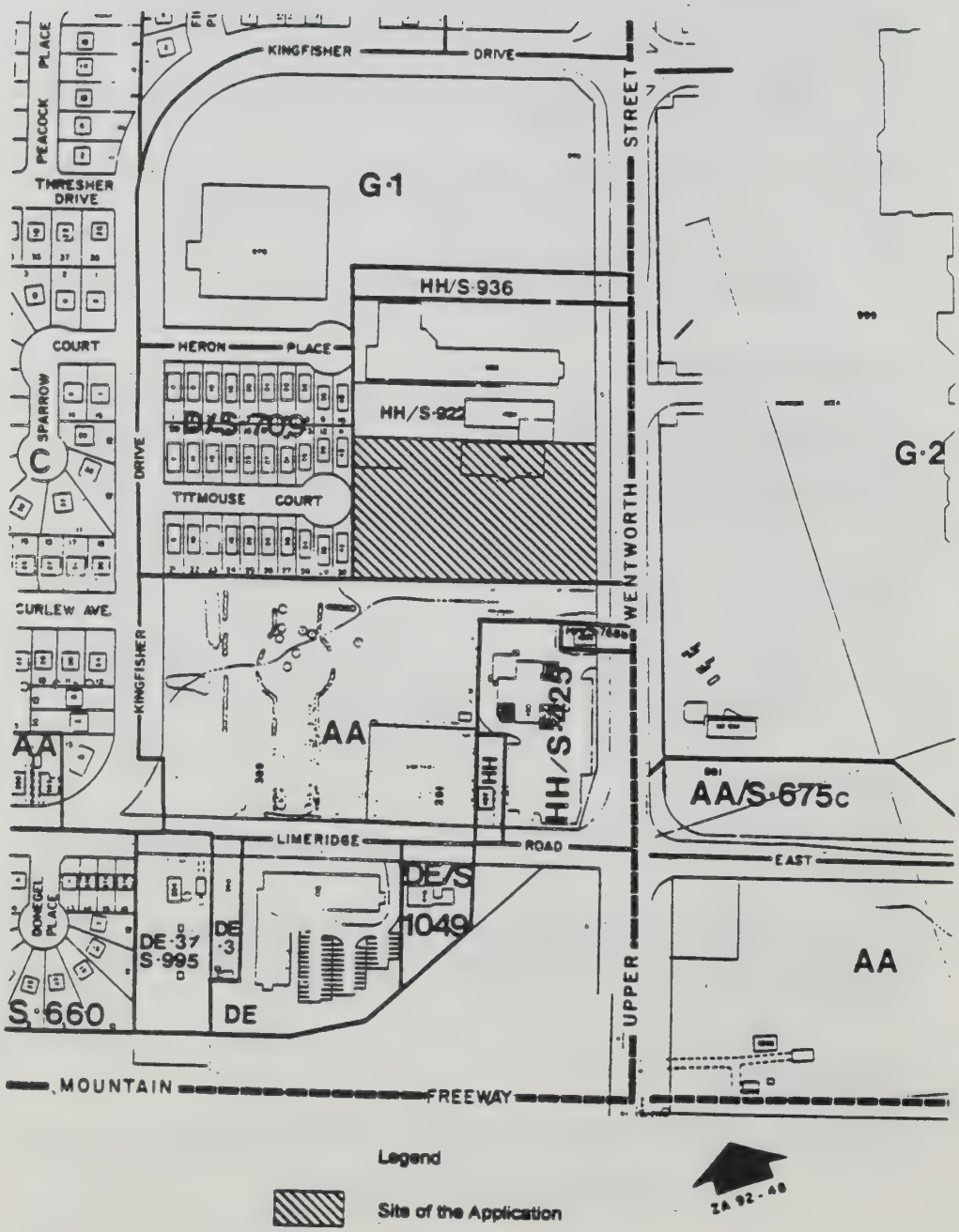
8. ADJOURNMENT

There being no further business the Committee meeting adjourned.

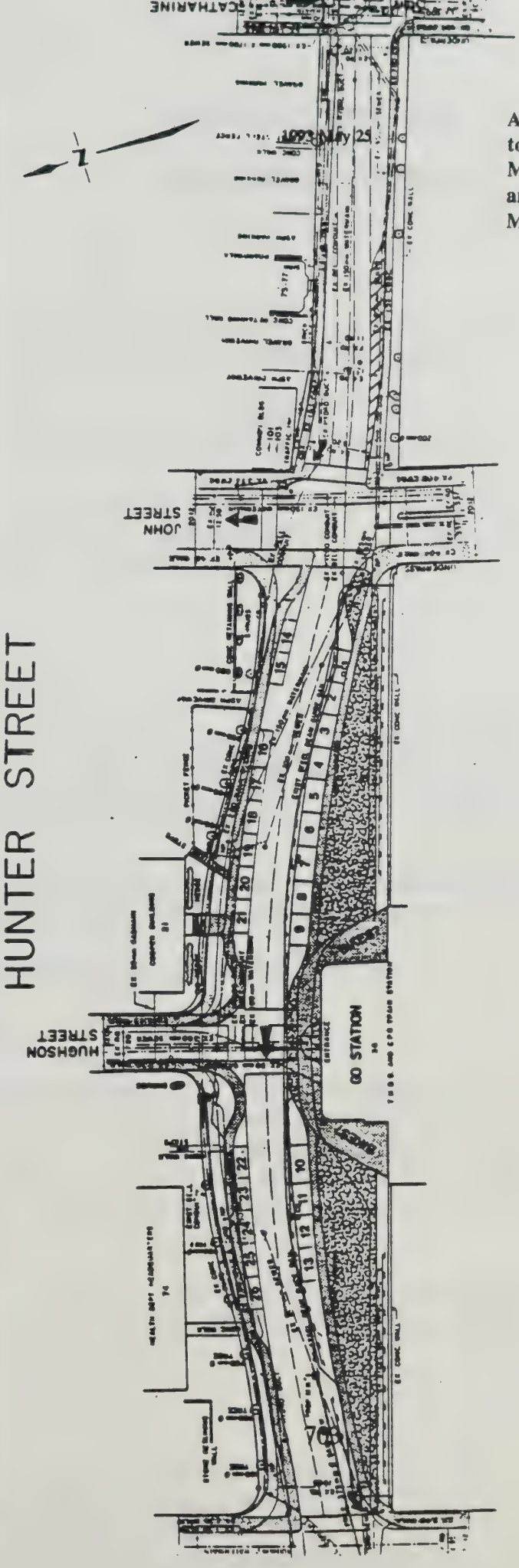
TAKEN AS READ AND APPROVED,

ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Appendix "A" as referred to in Section 1 of the Minutes of The Planning and Development Committee Meeting held 1993 May 19



Appendix "B" as referred to in Section 3 of the Minutes of The Planning and Development Committee Meeting held 1993 May 19



B.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 May 19

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED
MAY 25 1993
CITY CLERKS

FROM: Charlene J. Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: DESIGNATION OF BARTON STONE UNITED CHURCH CEMETERY - 21 STONE CHURCH ROAD WEST

RECOMMENDATION:

(a) That approval be given to the "Intent to Designate" Barton Stone United Church Cemetery at 21 Stone Church Road West as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983 as outlined in the Reasons for Designation attached hereto and marked as Appendix "A".

(b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provision of the Ontario Heritage Act, 1983.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

C. Touzel

BACKGROUND:

The recommendation to approve the "Intent to Designate" Barton Stone United Church at 21 Stone Church Road West was approved by LACAC at its meeting held 1993 April 19. The recommendation to designate the adjacent cemetery was approved by LACAC on 1993 May 17 after reviewing an up-to-date survey plan showing the exact boundaries of the cemetery as well as information regarding "squatter's rights" and a sewer easement to the south of the cemetery.

Ownership of the cemetery is in the process of being transferred from Barton Stone United Church to the City of Hamilton and the Cemeteries Division has already assumed responsibility for maintenance.

att.

c.c.: V. Abraham, Director of Local Planning
N. Chapple, Planning Department
P. Noe-Johnson, City Solicitor
R. Zbucki, Acting Manager, Cemeteries Office

APPENDIX "A"

REASONS FOR DESIGNATION

Barton Stone United Church Cemetery

21 Stone Church Road West

The cemetery located to the south of Barton Stone United Church, on Upper James, was opened in 1847, when the church itself was completed. The cemetery and church together constitute one of the most noteworthy historic landmarks on Hamilton's Mountain and serve as a tangible reminder of the rural character of Barton Township, which is rapidly disappearing in the wake of urban development. The green open space of the cemetery, with its peaceful atmosphere, stone grave markers of varying design and size, and several trees, complements the adjacent stone church building.

The church and cemetery were once set further back from Upper James (originally the Caledonia Road), with a low stone wall running along the eastern and northern borders of the one-acre property. When this wall was removed in recent years due to its deteriorated condition, salvaged stones were used to construct decorative pillars for a new iron railing extending in front of the cemetery alone.

The cemetery, one of the oldest on Hamilton's Mountain, is part of the original acre of land purchased by the Presbyterians from Stephen Blackstone for a church and cemetery plot. The first gravestone was erected in 1847 for William Terryberry, a prosperous landowner and innkeeper. Prior to this, the Presbyterians of Barton Township were buried in William Rymal's cemetery on the Mohawk Trail, which was located next to the meeting house built in 1811 as a place of worship for Lutherans and Presbyterians.

C.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 June 1

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

RECEIVED
JUN 08 1993
CITY CLERKS

SUBJECT: **Release of Building Covenants**
City Sale to Bortolotto and Tomassetti
35 Milburn Road, Hamilton
Lot 29, Plan 1397
Grayside Industrial Estate No. 2
Construction Covenants as Contained in
City Deed 289503 A.B.

RECOMMENDATION:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 35 Milburn Road, Hamilton, from the construction covenants to the City as contained in City Deed 289503 A.B. registered on April 25, 1973.

D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In adopting Item 19(e) of the 9th Report of the Board of Control, City Council on March 13, 1973 approved the sale of Lot 29, Grayside Industrial Estates No. 2, Registered Plan 1397 to S. Bortolotto.

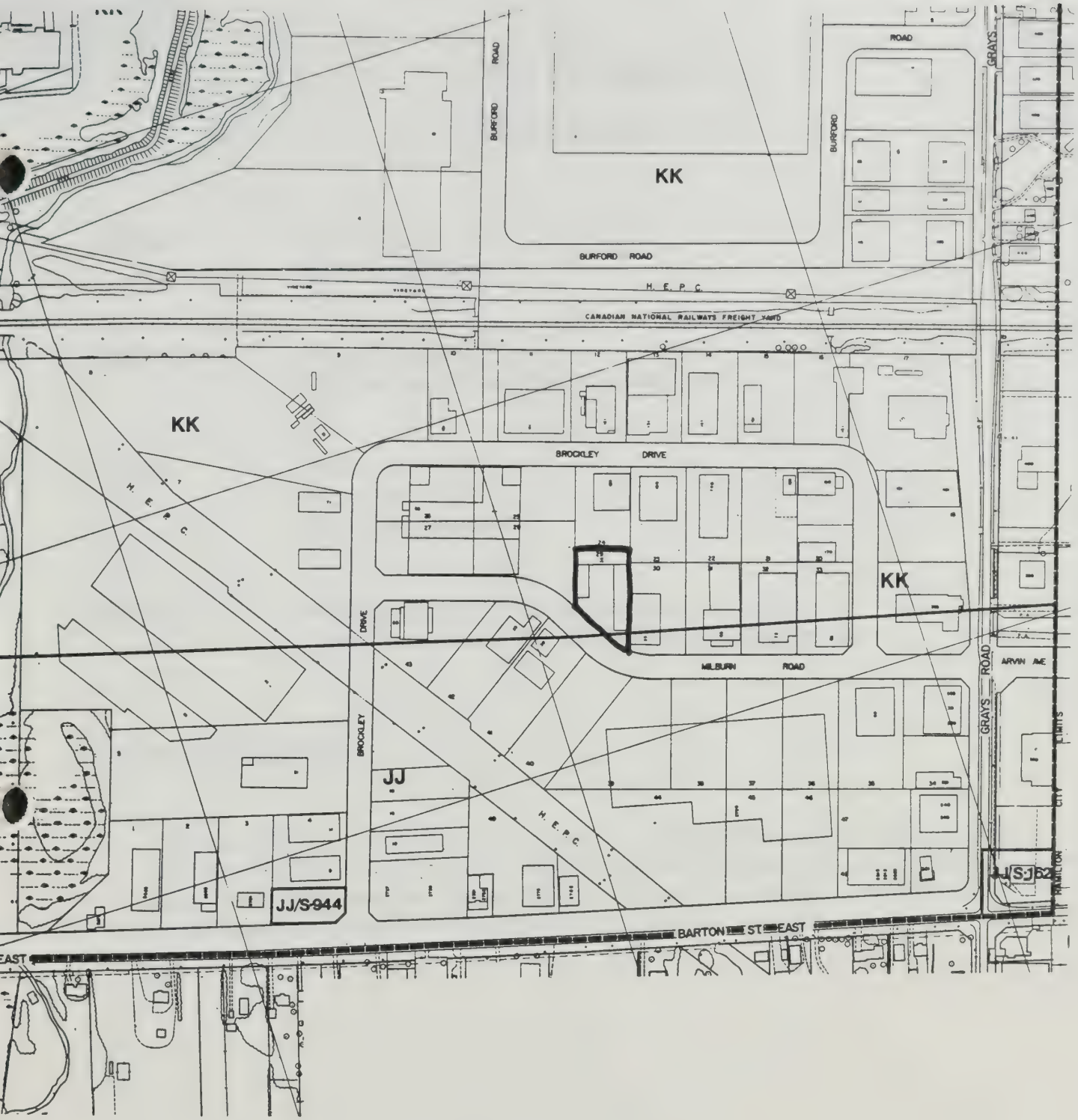
This transaction was completed on April 25, 1973, and registered under City Deed 289503 A.B. on April 25, 1973.

The requirements as noted in the construction covenants under City Deed 289503 A.B. have been met and this department supports the request of the owners that the City of Hamilton release the construction covenants contained in City Deed 289503 A.B. in order to clear the title.

DJC/klb

c.c. P. Noé Johnson, City Solicitor, Law Department
Attention: D. Powers

(20.1.50 - 2738)



28	28	
94	54	
115	114	

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

CITY OF HAMILTON

GRAYSIDE

ZONING

Neighbourhood Boundary

Zoning Boundary.

SCALE 0 50m 100m NORTH

Prepared for The City of Hamilton
by the Planning and Development Department
of The Regional Municipality of Hamilton Wentworth

PLANNING UNIT NO. 6409

JUNE 1988

PAGE NO. 54

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 June 17
S723-62 P. Strong

REPORT TO: Mrs. T. Agnello, Secretary
Planning and Development Committee

FROM: E. M. Gill, P. Eng.
Senior Director
Roads Department

SUBJECT: **"WISEMOUNT ESTATES - PHASE 3", Hamilton**
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

That the City of Hamilton accept the sum of $22,400.00 as a cash payment in lieu of the 5% land dedication in connection with Wisemount Estates - Phase 3, Hamilton, located in the Lisgar Neighbourhood, west of Upper Kenilworth Avenue, between Landron Avenue and Limeridge Road East, being the cash payment required under Section 51 of the Planning Act.

E. M. Gill, P. Eng.

EG

cont'd...

S723-62
Att: P. Strong

DATE:1993 June 17

"WISEMOUNT ESTATES - PHASE 3", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

cont'd...

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

BACKGROUND:

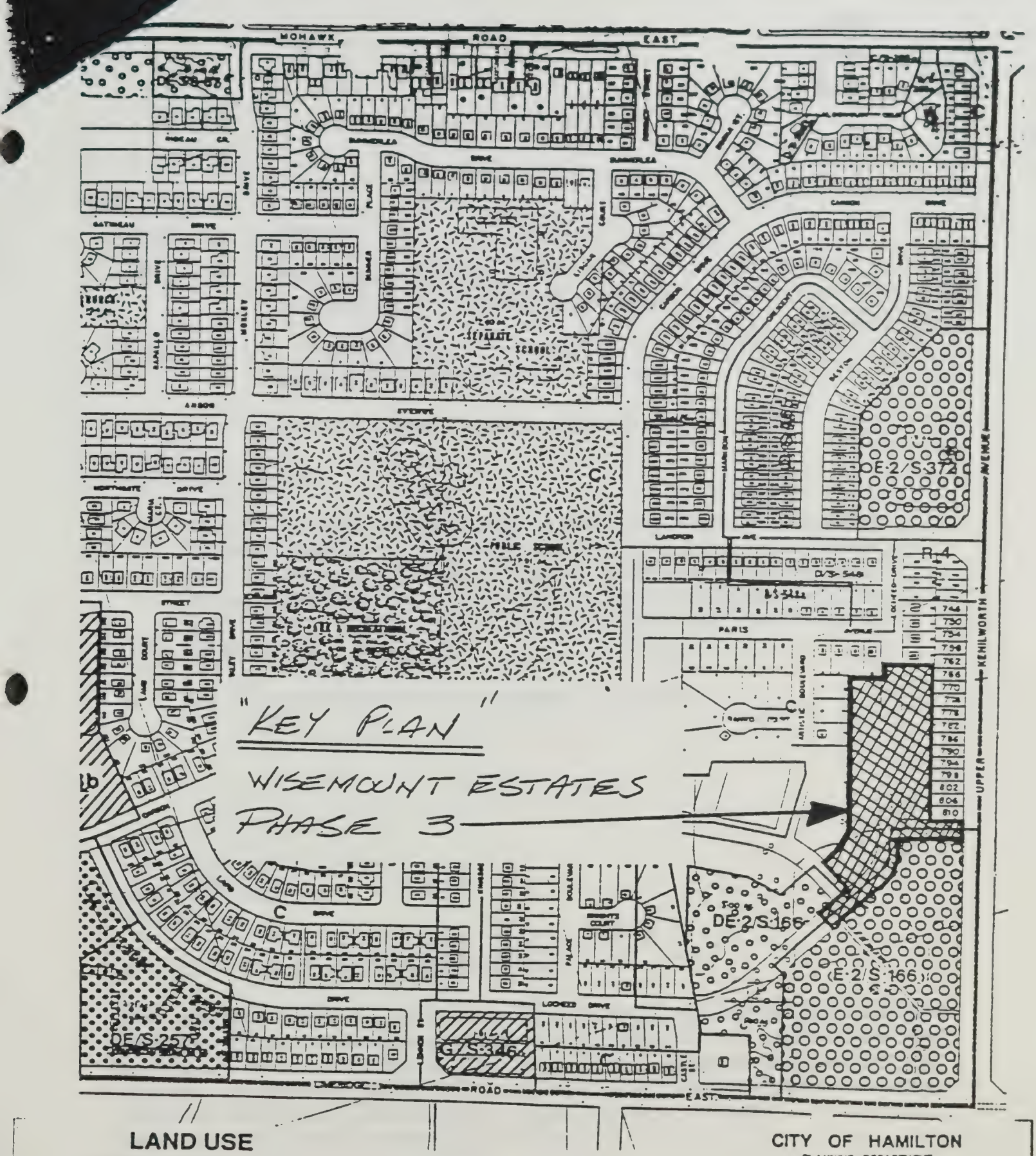
The owner of Wisemount Estates - Phase 3 (822827 ONTARIO INC.) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $22,400.00.

The lands of Wisemount Estates - Phase 3 are located west of Upper Kenilworth Avenue between Landron Avenue and Limeridge Road East in the Lisgar Neighbourhood.

PS
encl.

cc: D. Cobb, City Treasury
cc: R. Buckle, City Real Estate Department



LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

CITY OF HAMILTON
PLANNING DEPARTMENT

LISGAR

APPROVED PLAN

NORTH

SCALE 0 100 m

E (a)

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
JUN 15 1993
CITY CLERKS

DATE: June 14, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: 275 BAY STREET NORTH (93.2.4.2.1.A)

RECOMMENDATION:

a) That the Building Commissioner be authorized to call tenders and subsequently proceed to have the building located at 275 Bay Street North demolished to bring the subject property into compliance with City of Hamilton Property Standards By-Law 74-74, as amended, and specifically to do the work required to comply with the final and binding Order.

b) That the appropriate by-law be enacted by Council.

L.C. King, P.Eng.
LCK/DI/sb

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The estimated present value of the property is $66,000. Due to the dilapidated condition of the existing structure, the building does not contribute to the land value and, in fact, the value of the land without the structure is estimated at $70,000. The present building is beyond rehabilitation and is vacant. It acted as an office for an auto wrecking yard which has now relocated. The property presently has tax arrears totalling $15,158.90.

...2

The above values are based on the assumption that the soils are clear from any environmental problems. If there is a contamination problem, it is impossible to estimate the cost of cleanup.

The cost of the demolition of this structure will be approximately $4,000 and the cost, together with administration costs, will be added to the tax roll.

BACKGROUND:

The Building Department has received numerous complaints over the last fifteen years concerning the deteriorated condition of this building and the lands around it. Recently the Building Department received new complaints concerning the now vacant and run-down condition of the building and a full enforcement was carried out under the Property Standards By-Law and a final and binding Order is now in force. The owner of the property has indicated that they are unable, financially, to comply with the Order either in repair or demolition and only desire to sell the property in the future for development. Presently, however, the building has deteriorated much further and due to lack of maintenance will soon be unsafe.

As this building is prominent on Bay Street, which is the gateway into the City to the new development occurring on the waterfront, the removal of this building will enhance the City's image.

Hence, the recommendation to enforce the Order to secure the health, welfare, and safety of the inhabitants of the area.

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO.

To authorize:

DEMOLITION AND CLEARING OF
BUILDINGS, STRUCTURES, DEBRIS OR REFUSE AT:

275 BAY STREET NORTH

WHEREAS a Notice dated the 30th Day of October, 1992 was served or caused to be served in accordance with Subsection 6 of Section 31 of The Planning Act, 1983:

AND WHEREAS an Order dated the 25th of November 1992 was served or caused to be served in accordance with Subsection 7 of Section 31 of the said Act:

AND WHEREAS an appeal has been made from the said Order in accordance with Subsection 16 of Section 31 of the said Act:

AND WHEREAS a hearing was held on the 28th of January, 1993 by the Property Standards Committee in accordance with Subsection 17 of Section 31 of the said Act;

AND WHEREAS the Property Standards Committee confirmed the Order in accordance with Subsection 17 of Section 31 of the said Act;

AND WHEREAS no appeal has been lodged with a Judge of the Judicial District pursuant to Subsection 18 of Section 31 of the said Act;

AND WHEREAS the Order is now deemed to be final and binding pursuant to Subsection 19 of Section 31 of the said Act;

AND WHEREAS the buildings and structures situate on the land more particularly described in Schedule "A" have not been repaired or demolished and the site cleared as required by the said Order;

AND WHEREAS the said buildings and structures are not in conformity with the standards prescribed in The Property Standards By-Law No. 74-74, and are in a ruinous and deteriorated condition;

AND WHEREAS in accordance with Subsection 20 of Section 31 of the said Act, the Corporation has the right to demolish or repair the property in the event that the Order has not been complied with;

AND WHEREAS it is desirable to demolish the buildings and structures and to clear the site in order to secure the health, welfare and safety of the inhabitants of the area;

AND WHEREAS pursuant to Clause (c) of Section 36 of the Property Standards By-Law No. 74-74, as amended, the final amount expended by the City to demolish the buildings, together with interest, is a lien against the property in respect of which the amount was expended and the certificate of the City Clerk as to such amount is final and such amount is deemed to be taxes and may be added to the collector's roll to be collected in the same manner as municipal taxes.

...../2

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The Building Commissioner is hereby authorized and directed to provide for the demolition and clearing of all buildings, structures, debris or refuse on the land known as municipal number 275 Bay Street North, more particularly described in the attached Schedule "A", and to leave the land in a graded and levelled condition.

2. It is hereby authorized and directed that the amount expended for the work done shall be added to the collector's roll and shall be collected in the same manner as municipal taxes.

PASSED this day of A.D. 1993

CITY CLERK MAYOR

E (6)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: May 19, 1993.

RECEIVED
MAY 2 5 1993
CITY CLERKS

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: HAMILTON EMERGENCY LOAN PROGRAMME (H.E.L.P.)(93.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, four hundred and fifty six ($1,456) be approved for Sharon Goupil, 210 MacNab Street North, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the federally or provincially sponsored loan and grant programmes. A maximum loan of $2,000 could be approved providing the emergency repair fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured, initially, by a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.

...2

The Building Department, Loans Division, recently finalized a Emergency Loan for Ms. S. Goupil, 210 MacNab Street North in the amount of $1,456. The water line has been replaced, and the Department recommends approval and authorization to request the Law Department to register a Lien on Title in the amount of $1,456 at 8% interest and amortized over five (5) years.

c.c. R. Camani, Treasury
D. Powers, Law Department

E(c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: June 2, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: COMMUNITY HERITAGE TRUST FUND
(93.2.4.2.1.A)

RECOMMENDATION:

a) That the fixed interest rate under the Community Heritage Trust Fund Loan Programme be reduced from six percent (6%) to one-half (1/2) of the City's prime lending rate.

b) That the applicant be charged a flat fee of $200 per application or 1 1/2% of the loan amount, whichever is greater, to help offset the administrative costs of the Programme. The administrative fee will be eligible for funding under the Programme. The new loans will be amortized over ten years but renegotiated after five years in order to reflect the interest rate of the day.

c) The City Solicitor be directed to amend By-law 85-120 in order to reflect City Council's approval of these changes.

L.C.King, P.Eng..
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

...2

BACKGROUND:

City Council, at their meeting held January 8, 1985, established the Community Heritage Trust Fund Loan Programme. The fund was established with a grant of $250,000 from the Province of Ontario Heritage Branch, and a contribution of $191,666.87 from the City of Hamilton. At the time, the interest rate was established at 6 per cent.

Since that time, interest rates have fluctuated greatly and while the 6% is still very competitive, it has been determined that the reduction is not a sufficient incentive for an owner to undertake, often expensive, replacement of heritage features. The Department is, therefore, recommending that the interest rate charged under this programme fluctuate at one-half of the City of Hamilton's prime lending rate. This will allow the rate to be attractive irregardless of market conditions and avoid the Planning and Development Committee and City Council having to constantly review the rate. The loan at one-half the City prime has already been adopted for the City Commercial Loan Programme and has been well accepted by the business community.

In addition, the Department has recently amended the Commercial Loan Programme to include an administrative charge of $200 or 1/2% of the total loan, whichever is greater. The Department is recommending that the same policy be adopted for the Community Heritage Trust Fund Programme. It should be noted that this charge is an eligible expense under the Programme.

The Department also anticipates that some former applicants may wish to renegotiate and it is recommended that the ten year terms at 6% not be renegotiated because of time, cost, and the effect on the recyclable account.

The terms of the Legal Agreement with the Province of Ontario does not require us to seek their approval for changes in the terms and conditions of the Programme. The Agreement, however, did require the City to establish a Trust Fund By-law. The Department, therefore, recommends that the City Solicitor review By-law 85-120 to see if the By-law needs to be amended to reflect these recommendations.

c.c. - L.A.C.A.C
- P. Noé Johnson

E(d)i.

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
JUN 15 1993
CITY CLERKS

DATE: June 14, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
765 WEST 5TH STREET
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 765 West 5th Street.

L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential and AA Agriculture

PRESENT USE: Single Family Dwelling

PROPOSED USE: Freeway

BRIEF DESCRIPTION: 1 storey wood frame dwelling

The proposed demolition is due to the lands being required for the Freeway. No LACAC interest. Lot size 75' x 122'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

E(d)ii.

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
JUN 15 1993
CITY CLERKS

DATE: June 14, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1086 WEST 5TH STREET
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1086 West 5th Street.

L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "AA" Agriculture

PRESENT USE: Single Family Dwelling

PROPOSED USE: Proposed Park

BRIEF DESCRIPTION: 1½ storey wood frame dwelling

The building is to be demolished for a proposed new park (Wm. Connell).

The owner of the property as per the demolition permit is:

City of Hamilton
Property Department

E(d)iii

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
JUN 15 1993
CITY CLERKS

DATE: June 14, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1090 UPPER JAMES STREET
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for **1090 Upper James Street.**

L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: Freeway

BRIEF DESCRIPTION: 1½ storey brick and frame dwelling

The proposed demolition is due to the land being required for the freeway. No LACAC interest. Lot size 50' x 115'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

E(d)iv.

RECEIVED

JUN 15 1993

CITY CLERKS

CITY OF HAMILTON

- RECOMMENDATION -

DATE: June 14, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1094 UPPER JAMES STREET
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1094 Upper James Street.

L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: Freeway

BRIEF DESCRIPTION: 1½ storey double brick dwelling

The proposed demolition is due to the lands being required for the Expressway. No LACAC interest. Lot size 50' x 115'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

E(d)V.

RECEIVED
JUN 15 1993
CITY CLERKS

CITY OF HAMILTON

- RECOMMENDATION -

DATE: June 14, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1445 UPPER SHERMAN AVENUE - Tag Number 89179
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1445 Upper Sherman Avenue.

L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: New single family dwelling

BRIEF DESCRIPTION: The owner wishes to build a new single family dwelling and create a second building lot to be sold. No LACAC interest. Lot size 92' x 613'.

The owner of the property as per the demolition permit is:

Joseph Butera
86 Rowntree Drive
Hamilton, Ontario

E cd) vi

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
JUN 15 1993
CITY CLERKS

DATE: **June 14, 1993**

REPORT TO: **Tina Agnello, Secretary**
Planning and Development Committee

FROM: **L.C. King, P. Eng.**
Building Commissioner

SUBJECT: **Demolition of:**
31 ARGYLE STREET - Tag Number 89335
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 31 Argyle Street.

L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: **N/A**

BACKGROUND:

PRESENT ZONING: **"D" Residential**

PRESENT USE: **Single Family Dwelling**

PROPOSED USE: **Church Parking Lot**

BRIEF DESCRIPTION: **1½ storey wood frame house**

Owner wishes to demolish the house to enlarge their existing church parking lot. No LACAC interest. Lot size 30' x 100'.

The owner of the property as per the demolition permit is:

Salvation Army
25 Argyle Street
Hamilton, Ontario

E(d)vii

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
JUN 15 1993
CITY CLERKS

DATE: June 14, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1889 MAIN STREET EAST - Tag Number 89326
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1889 Main Street East.

L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: 1 storey frame and brick veneer dwelling

Owner wishes to demolish the existing building and erect a new one. House is in poor condition. No LACAC interest. Lot size 31' x 100'.

The owner of the property as per the demolition permit is:

Mr. John Smith
1889 Main Street East
Hamilton, Ontario

F (a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 June 9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED
JUN 15 1993
CITY CLERKS

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Application to remove part-lot control from Lots 1-16, inclusive, "Claudette Gardens - Phase 3" subdivision.

RECOMMENDATION:

a) That the request of 800064 Ontario Inc., to remove part-lot control from Lots 1-16, inclusive, "Claudette Gardens - Phase 3" plan of subdivision, 62M-734, be approved;

b) That the attached by-law to remove part-lot control from Lots 1-16, inclusive, "Claudette Gardens - Phase 3" plan of subdivision, be enacted by Council;

c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegates of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and

d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.

J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, 800064 Ontario Inc. (Anthony DiSilvestro, President), is proposing to establish easements for 16 small lots by temporarily removing part-lot control. The easements will allow the future property owners to access and maintain the side of their dwelling set on or adjacent to the lot-line.

Location

The lands are located on the west side of Garth Street, north of Rymal Road West in the Falkirk East Neighbourhood.

Comments

Removal of "part-lot control" is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Land Division Committee, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision.

Part-lot control will be re-established, by by-law, once the conveyances have taken place.

Both the by-law to remove "part-lot control" and the repealing by-law must be registered in the Land Titles office.

The attached by-law to remove "part-lot control" has been prepared in a form satisfactory to the City Solicitor.

VJA/RM
Attach.

COMPILED PLAN OF

LOTS 1 TO 16, INCLUSIVE
CLAUDETTE GARDENS – PHASE 3
REGISTERED PLAN 62M – 72
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON – WENTWORTH

SCALE 1 : 600

J.P. WOOLLEY SURVEYING
1993

CAUTION : THIS IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

DATE.....

.....
ERIC SALZER

PLAN 62R–

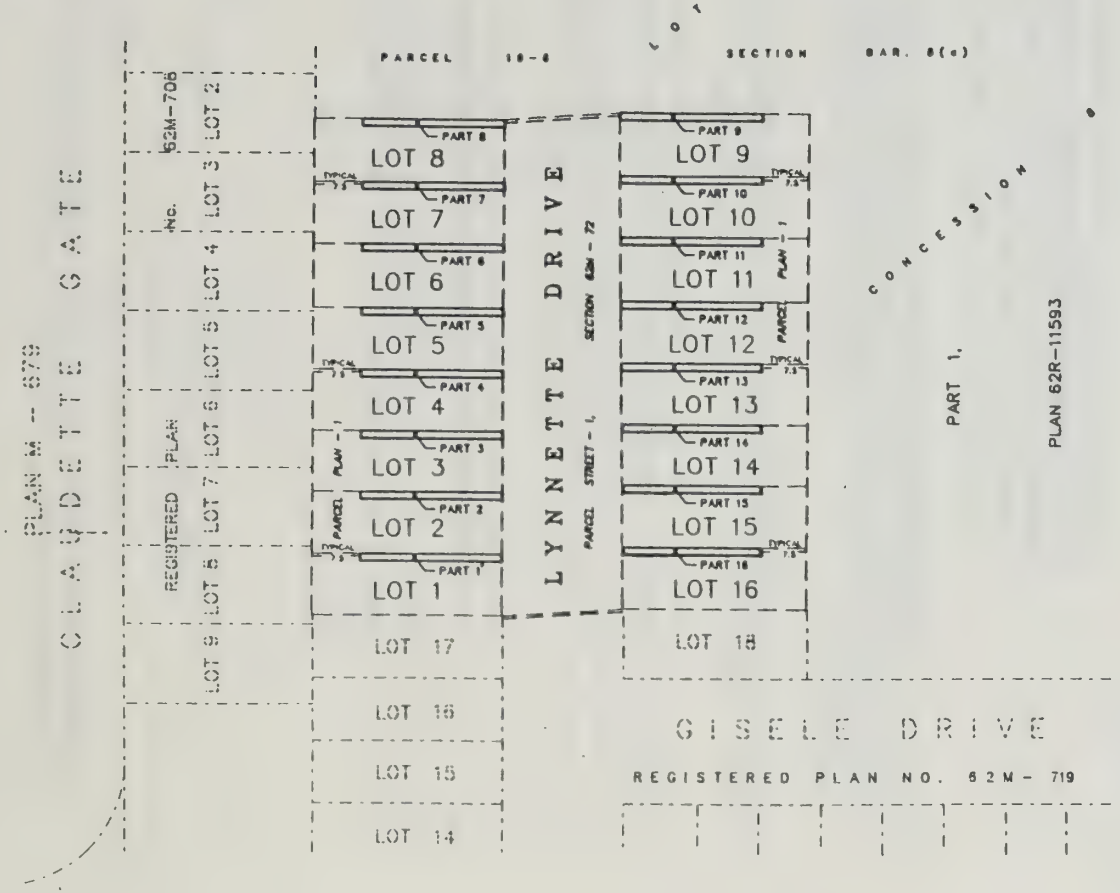
RECEIVED AND DEPOSITED

DATE.....

.....

LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)

PARTS 1 TO 16 INCLUSIVE PART OF PARCEL PLAN-1, SECTION 62M-72



EACH PART IS ENTIRELY WITHIN THE LOT SHOWN IN THIS SCHEDULE

PART	LOT ON PLAN M –	PERPENDICULAR WIDTH
1	1	1.2 METRES
2	2	1.2 METRES
3	3	1.2 METRES
4	4	1.2 METRES
5	5	1.2 METRES
6	6	1.2 METRES
7	7	1.2 METRES
8	8	1.2 METRES
9	9	1.2 METRES
10	10	1.2 METRES
11	11	1.2 METRES
12	12	1.2 METRES
13	13	1.2 METRES
14	14	1.2 METRES
15	15	1.2 METRES
16	16	1.2 METRES

NOTE

ALL PARTS EXTEND FROM STREET LINE TO A POINT 7.5 METRES FROM THE REAR OF THE LOT.

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1) THIS PLAN IS AN ACCURATE COMPILATION BASED ON DATA DERIVED FROM REGISTERED PLAN 62M-72

DATE

J.P. WOOLLEY O.L.S.

J.P. WOOLLEY SURVEYING
134 JAMES STREET S. HAMILTON, ONTARIO
L8P 2Z4 PHONE 1-(519)-521-0648
PROFESSIONAL LAND SURVEYORS

PARTY CHIEF	DRAWN BY	CHECKED BY	PROJECT No.
J.G.W. O.L.S.	E.S.	J.P.W. O.L.S.	93-[illegible]

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Remove
Land within the Claudette Gardens, Phase 3 Subdivision, Plan 62M-734
from Part Lot Control

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

> (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

   All lots within Registered Plan Number 62M-734, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED this day of A.D. 1993.

City Clerk Mayor

This Bylaw is approved pursuant to section 50(7),the Planning Act and section 4, Bylaw R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1993.

Commissioner of Planning and Development of
The Regional Municipality of Hamilton-Wentworth

F(b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 June 10

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. D. Thoms
Commissioner of Planning and Development

RECEIVED
JUN 15 1993
CITY CLERKS

SUBJECT:

Proposed Draft Plan of Condominium by 839616 Ontario Limited.

RECOMMENDATION:

That approval be given to application CDM-CONV-H-9301, Kestutis Draudvila, in trust, owner, to establish a draft plan of condominium in the north-east corner of Main Street East and Wentworth Street South, subject to the following conditions:

1. This approval applies to the plan prepared by A. T. McLaren Limited dated February 3, 1993, showing a total of 21 residential units.

2. The owner entering into an Encroachment Agreement with the Regional Municipality of Hamilton-Wentworth to the satisfaction of the Commissioner of Transportation/Environmental Services Group prior to the release of the final plan by the Region.

3. The owner receive the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium. (Application CD-92-01.)

J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

Kestutis Draudvila, in trust, Markham, Ontario.

Agent Surveyor:

A. T. McLaren Limited, Hamilton, Ontario.

Location:

The lands, known municipally as 515 Main Street East, comprising .084 ha, are located on the north-east corner of Main Street East and Wentworth Street South in the Gibson Neighbourhood, City of Hamilton.

Proposal:

The owner proposes to convert an existing apartment building containing 21 units on 3 floors into a condominium project.

Existing Development Controls:

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" within the "Urban Policies Areas". The proposal complies.

City of Hamilton Official Plan and Zoning - the lands are designated "Commercial" and zoned "H" (Community Shopping and Commercial, etc.) District. The existing and proposed use is considered to be legal non-conforming.

Neighbourhood Plan - the lands are designated "Residential - commercial and apartments". The proposal complies.

Rental Housing Protection Act - Application CD-92-01 for City approval to convert the rental building to a condominium was approved by City Council on October 27, 1992 subject to several conditions. This recommendation is conditional upon the owner fulfilling certain conditions under the Rental Housing Protection Act.

Comments from Circulation:

The following agencies had no comments or objection toward the proposal:

City of Hamilton Building Department
Ontario Hydro (Toronto and Local)
Union Gas
Bell Canada.

The Hamilton-Wentworth Roads Department has submitted the following comments and recommendations:

"Information:

1. *The existing building is connected to the municipal sewer system.*

2. *The existing building is connected to a municipal watermain.*

3. *The Region does not require any road widenings on Main Street East or Wentworth Street at this time in connection with the approval of this project.*

4. *Any works which may occur within the Main Street East and/or Wentworth Street road allowance, must conform to the Region's Road Use By-law.*

5. *The Hamilton Street Railway have no comments or recommendations regarding this proposal.*

Recommendation:

1. *That the owner(s) must enter into an Encroachment Agreement with the Regional Municipality of Hamilton-Wentworth to the satisfaction of the Commissioner of Transportation/Environmental Services Group prior to the release of the Final Plan.*

The submitted plan as prepared by S. D. McLaren, O.L.S. of A. T. McLaren Limited, dated February 4, 1993, is satisfactory to the Transportation/Environmental Services Group, Roads Department, subject to the above-noted comments and recommendations."

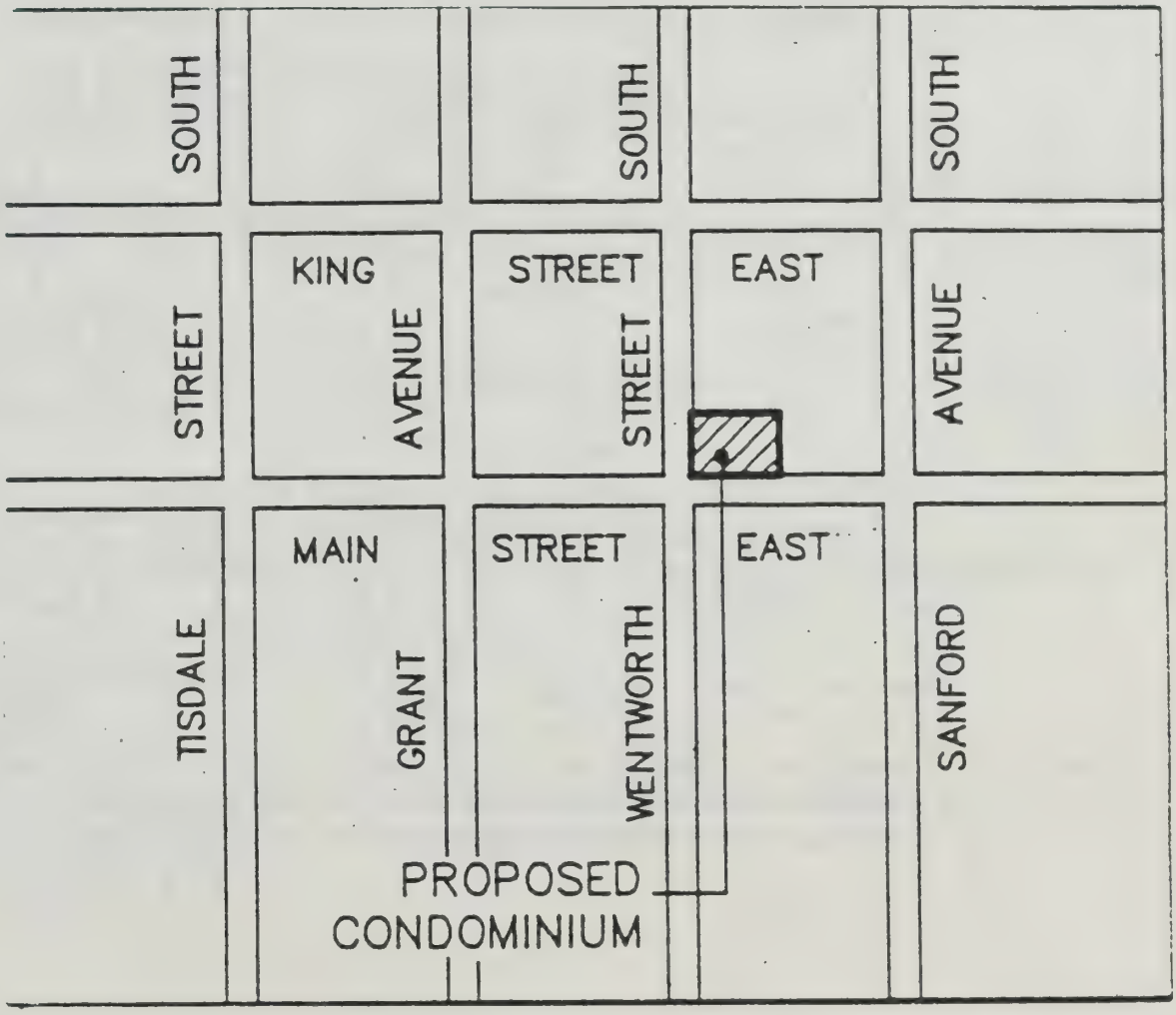
COMMENTS:

1. The applicant wishes to convert 21 existing rental dwelling units to 21 condominium dwelling units at the said location. To complete the process, the applicant must first acquire approval from the City to remove the units from the rental market pursuant to the Rental Housing Protection Act, and then acquire the City's approval under the Condominium Act for the legal division of the property.

2. The applicant acquired Council approval to remove the units from the rental market on October 27, 1992, subject to conditions being incorporated in a registered agreement on title. Upon registration of this agreement, the City will issue a "Certificate of Approval" to indicate the completion of this part of the conversion process. To date, the agreement has not been registered, therefore the Certificate has not been issued. As a condition of draft approval of this condominium application, the applicant will have to provide proof that the Certificate has been acquired.

3. This report deals with the applicant's request for condominium approval.

LJL:dc



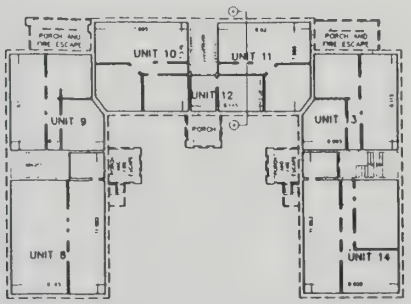
LOCATION PLAN SHOWING
PART OF LOTS 47, 48, 49
CONCESSION 2
TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

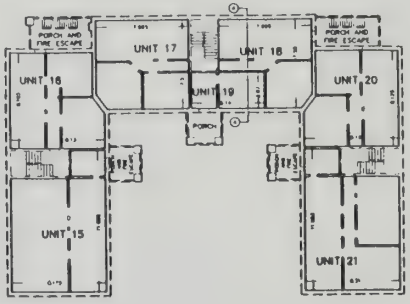
Legend

PROPOSED SUBDIVISION
CDM-CONV-H-9301

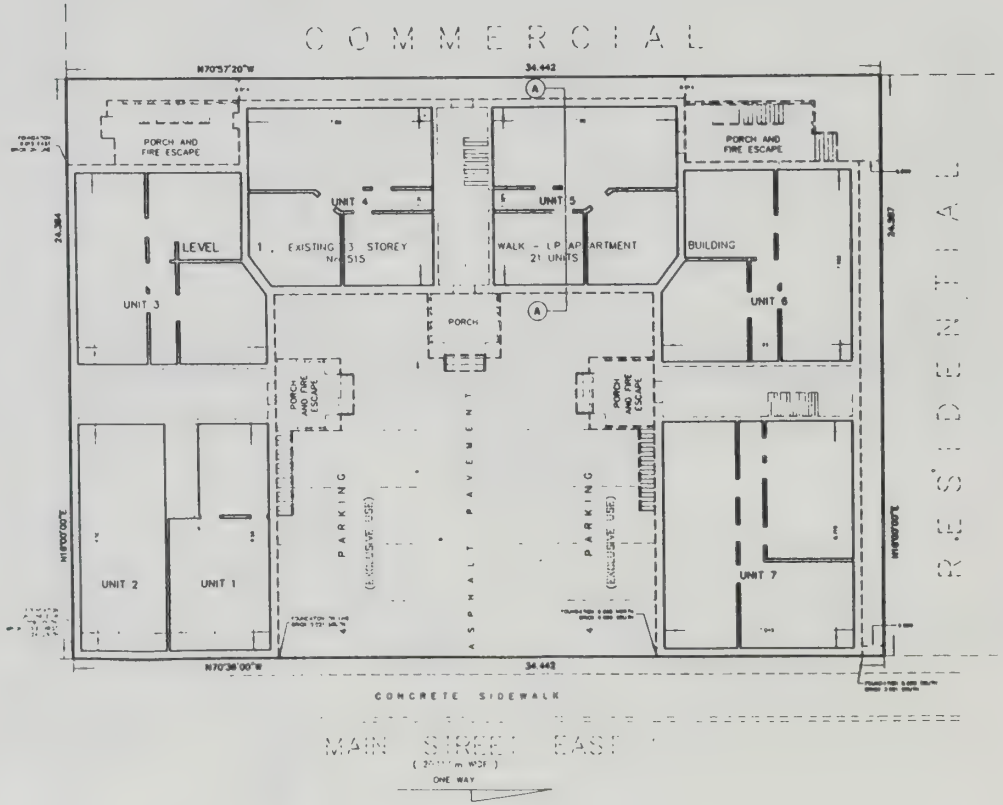
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	Date	Drawing No.
	FEB 25/93	

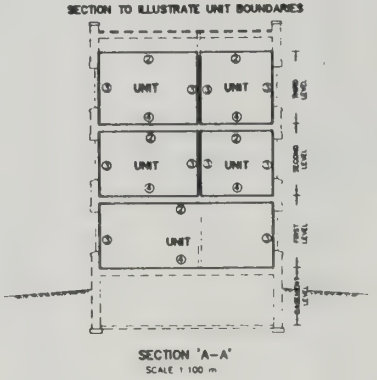


LEVEL 2 SCALE 1:200 m



LEVEL 3 SCALE 1:200 m





SECTION 'A-A'
SCALE 1:100 m

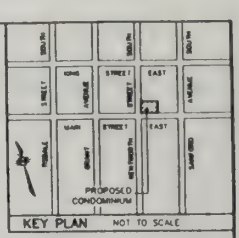
LEGEND:

① - THE UPPER SURFACE OF THE UNFINISHED CONCRETE FLOOR SLABS IN BASEMENT

② - THE BACK SIDE FACE OF THE DRYWALL OR PLASTER CEILINGS

③ - THE BACKSIDE FACE AND PLANE OF DRYWALL OR PLASTER ON ALL EXTERIOR WALLS AND THE WALLS BETWEEN THE UNITS

④ - THE UPPER SIDE AND PLANE OF THE FLOOR JOISTS



DRAFT PLAN OF

BEING A PROPOSED CONDOMINIUM PROJECT OF

PART OF

LOT'S 47, 48 AND 49
REGISTERED PLAN No. 27

(GEOGRAPHIC TOWNSHIP OF BARTON)

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE 1 : 100 m

S.D. McLAREN, O.L.S. - 1993

NOTE THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC NOTE DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

Feb 3/93
Date

S.D. McLAREN - Ontario Land Surveyor

OWNER'S AUTHORIZATION

WE 839616 ONTARIO LIMITED

BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A.T. McLAREN LIMITED TO PREPARE AND SUBMIT THIS DRAFT PLAN OF CONDOMINIUM TO THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH FOR THEIR APPROVAL

OWNER 839616 ONTARIO LIMITED

FEB 4, 1993
Date

KESTUTIS DRAUDVILA PRESIDENT
I HAVE THE AUTHORITY TO BIND THE CORPORATION

SECTION 50 (2) PLANNING ACT - 1983

A	SHOWN ON PLAN	G	SHOWN ON PLAN
B	SHOWN ON PLAN	H	MUNICIPAL PIPED WATER AVAILABLE
C	SHOWN ON PLAN	I	CLAY LOAM
D	SEE SCHEDULE	J	SHOWN ON PLAN
E	SHOWN ON PLAN	K	MUNICIPAL SERVICES EXISTING
F	SHOWN ON PLAN	L	SHOWN ON PLAN

SCHEDULE

TOTAL AREA OF BUILDING = 507.3 m²
TOTAL AREA OF SITE = 843 m²
TOTAL NUMBER OF UNITS = 21 RESIDENTIAL
TOTAL PARKING SPACES = 8 (TO BE EXCLUSIVE USE OF COMMON ELEMENTS)

MAXIMUM BUILDING HEIGHT = 3 STOREYS

A. T. McLAREN LIMITED
LEGAL AND ENGINEERING SURVEYS
103 JOHN STREET SOUTH
HAMILTON ONTARIO
527-8559 527-0032

Drawn: I.P.	Checked: S.D.M.	Scale: 1:100m	Dwg. No. 30130

F (c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: June 10, 1993
(OP-HW)

RECEIVED
JUN 15 1993
CITY CLERKS

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms,
Commissioner of Planning and Development

SUBJECT: **Request to Amend the Hamilton-Wentworth Official Plan to Permit the "Canuck 750" Sports Coliseum North-West Corner of Highways No. 5 and 6, Town of Flamborough**

RECOMMENDATION:

A) That Regional Council be advised that the proposed Amendment to the Hamilton-Wentworth Official Plan to permit the "Canuck 750" Sports Coliseum does not conflict with the planning intentions of the City of Hamilton.

J. D. Thoms, M.C.I.P.
Commissioner,
Planning & Development Department

V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Through correspondence dated May 28, 1993, the City Clerk was requested by the Regional Planning Branch of the Planning and Development Department to comment on an application to amend the Hamilton-Wentworth Official Plan to permit a multi-purpose sports, entertainment and special event complex - sports coliseum. The applicant has indicated the key feature of the facility will be a 3.75 kilometre oval race track suitable for various types of automobile racing with reserved seating for 300,000 people.

The subject lands are situated at the north-west corner of Highways #5 and #6 within the Town of Flamborough. The area is currently designated "Rural Policy Areas - Prime Agricultural Lands" according to Map No. 1 of the Hamilton-Wentworth Official Plan and also contains an "Environmentally Sensitive Area" - the No. 10 Mill Grove Woodlot.

COMMENT:

The proposed multi-purpose sports, entertainment and special event complex - sports coliseum on the subjects lands in the Town of Flamborough does not conflict with the planning intentions of the City of Hamilton. Accordingly, Regional Council should be advised of this matter.

KE/

F(d)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 May 25
(P5-2-21A)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Central/Beasley Neighbourhood Plan Review Team

RECEIVED
JUN 15 1993
CITY CLERKS

RECOMMENDATION:

That the citizens listed in APPENDIX "A" be appointed to the Central/Beasley Neigbhourhood Plan Review Team.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Central and Beasley Neighbourhood Plans are to be reviewed and updated as part of the Local Planning Branch's 1993 Work Program. The review process (see APPENDIX "B") includes the formation of a Citizens Committee, which includes representative stakeholders, to review and update the neighbourhood plans. The Committee will commence its work in June of 1993 and it is anticipated that the neighbourhood plan update will be completed by late 1993 or early 1994.

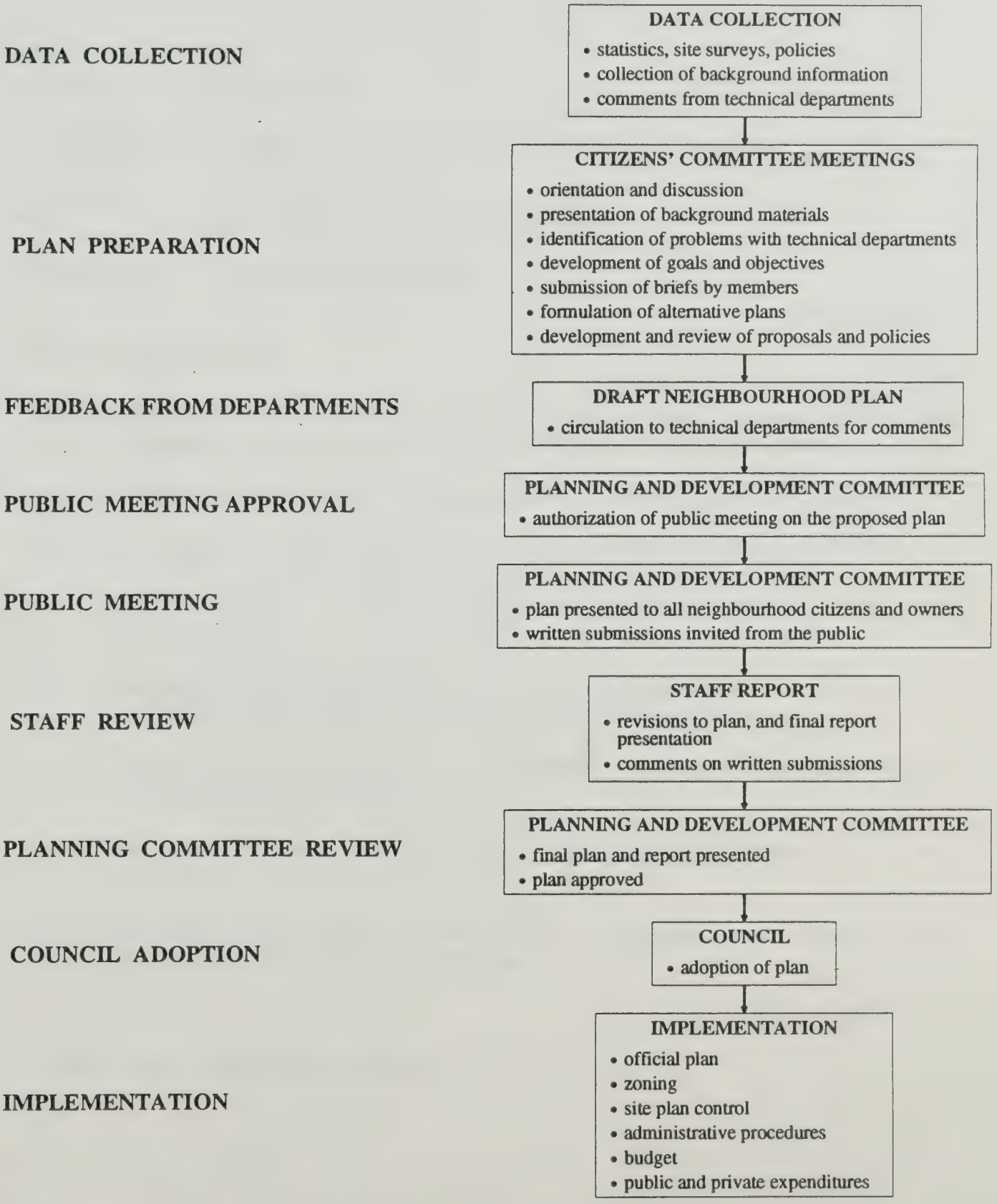
MLT:mlt

APPENDIX "A"

CENTRAL/BEASLEY NEIGHBOURHOOD PLAN REVIEW TEAM MEMBERS

Name:	Representing:
Mary Pocius	International Village BIA; CAPIC
Greg Gouthreau	Downtown BIA
Pat Bramwell	Ferguson Avenue Redevelopment Advisory Committee
Ken Hastings	Beasley Neighbourhood Association
Jerry Sherman	James Street North Businesses
Jane Rigby	Central/Beasley P.R.I.D.E. H.INT.
Fred Vermeulen	Hess Village Merchants
Harry Perrell	Beasley Neighbourhood
Jackie Gordon	Beasley Neighbourhood
James C. Drake	Beasley Neighbourhood
Helen Kirkpatrick	Central Neighbourhood
Ann Vaugeois	Central Neighbourhood

NEIGHBOURHOOD PLANNING PROCESS IN DEVELOPED NEIGHBOURHOODS



PLANNING AND DEVELOPMENT DEPARTMENT
HAMILTON - WENTWORTH REGION

G.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 June 21

REPORT TO: Members of the Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **INFORMATION ITEMS**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to Members of the Committee under separate cover, be received for information purposes:

(a) Building Commissioner - 1992 Budget Year End Balance, dated 1993 May 3

(b) City Solicitor - Recent Administrative Tribunal Update: OMB, dated 1993 May 19

(c) Minister of Culture, Tourism and Recreation - Designated Property Grants, dated 1993 May 26

(d) Building Commissioner & Director of Public Works - Enforcement of By-law 84-35 with respect to excessive growth of grass or weeds, dated 1993 June 2

(e) Commissioner of Planning and Development - Approved Site Plan Control Applications, dated 1993 June 15

(f) Notice of Public Information Meeting Re: Mobile Sign Regulations June 23, 1993 at 7:00 p.m., 2nd Floor, City Hall

(g) Chief Administrative Officer Re: Status Report and Revised Terms of Reference re: GO Centre Area Study, dated 1993 June 16

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

URBAN/MUNICIPAL
CA4ON HBL A05
C51P4
1993

Urban Municipal
Collection
2nd Floor
Hamilton Public Library

1993 July 15

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1993 July 21
9:00 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

PLEASE NOTE: 9:00 O'CLOCK A.M. START

AGENDA:

9:00 O'CLOCK A.M.

1. **REFERRALS FROM COUNCIL**

   (a) Director of Public Works - Commercial Improvement Program - Business Improvement Areas

   (b) Commissioner of Planning and Development - CI-93-A respecting the review of townhouses in multiple dwelling districts

2. **PREVIOUSLY TABLED**

   Commissioner of Planning and Development - Zoning Application 89-57, Ascenzo Lepore - 236-250 Rymal Road West

9:30 O'CLOCK A.M.

PUBLIC MEETINGS

3. Zoning Application 93-13, DiCenzo Construction Company Limited, owner, for changes in zoning from "AA" District to "C" District, for lands located on the east side of DiCenzo and south of Stone Church Road East; Ryckman's Neighbourhood

4. Zoning Application 93-15, Mr. and Mrs. Russell McCrory, owners, for changes in zoning from "AA" District to "B" District (Block "1") and "C" District (Block "2") for lands located at No. 631 Rymal Road West; Carpenter Neighbourhood

5. Zoning Application 93-12, Robert Leggat, owner, for a change in zoning from "AA" District to "DE-2" District, for lands located at the north-west corner of Limeridge Road East and Upper Gage Avenue; Lawfield Neighbourhood

   (a) Submission: Herman Turkstra on behalf of Grace Villa Nursing Home

9:45 O'CLOCK A.M.

6. City Initiative 91-H, for a general text amendment to Zoning By-law No. 6593, to introduce new regulations for public parking lots, respecting front yard setback and landscaping requirements.

   Submissions:

   (a) Peter Baker, Parking Authority, 80 Main Street West, Hamilton

   (b) Earl McCausland, Citipark, 92 King Street East, Suite 250, Hamilton

   (c) Greg Fraleigh, Grindstone Properties Ltd., P.O. Box 1120, Waterdown

7. Renaming of Gondola Street to Duncairn Crescent in the Gourley Neighbourhood

8. **CONSENT AGENDA**

9. **GO TRANSIT**

   (a) GO Advisory Committee Report

   (b) Chief Administrative Officer and Commissioner of Planning and Development's Report

10. **SECRETARY, LACAC**

(a) 712 Main Street East - Heritage Permit Application for proposed addition to Hamilton Regional Indian Centre

(b) Front Yard Parking Regulations - Review requested for Designated Residential Properties and Older Neighbourhoods in Hamilton

11. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

Site Plan Application DA-93-14 (DA-91-53), Grindstone Properties Ltd., owner, of lands known as 18-24 James Street South; Central Neighbourhood

12. **BUILDING COMMISSIONER**

(a) Tiger Cat Rental Outlet, Lloyd D. Jackson Square

(b) Refund Policy Administrative Fee of Zoning Verification and Property Reports

13. **MANAGER OF PURCHASING**

Central/Beasley Programme for Renewal, Improvement, Development and Economic Revitalization - Housing Intensification (PRIDE H.I.N.T.) - Phase I Implementation **(Copy to be distributed at the meeting)**

14. **FEDERATION OF CANADIAN MUNICIPALITIES**

Request for resolution for 1993 Board of Directors Meeting - Recommendation from Building Commissioner

(a) Recommendation from the Building Commissioner

15. **OTHER BUSINESS**

16. **ADJOURNMENT.**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

Item No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	C.I. 90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee
3.	Conditions of Conversions - Separate Utility Controls	1991 June 19	Building	Report Pending
4.	Site Plan Control Application DA-91-50 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
5.	ZA-91-12 - 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
6.	ZA-92-03 - 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
7.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
8.	Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots	1993 February 3	Alderman H. Merling	Tabled to allow previous Sub-Committee to review matter
9.	Revitalization of Barton	1993 February 3	Mayor R. M. Morrow	Various Departments to report back on Mayor's Request
10.	Building Permit Fees and Development Charges	1993 March 24	Building	Building Department to review and report back
11.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
12.	ZA-93-01 - 1011 Queenston Road	1993 April 21	Applicant	Tabled on request of Applicant

Tina Agnello, Secretary
1993 July 15

App'd by Committee 1993 June 23

Referred back
~~App'd~~ by Council 1993 June 29

1(a)

CITY OF HAMILTON

- RECOMMENDATION -

RECEI

JUN 18 1993

CITY CLERKS

DATE: 1993 June 17

REPORT TO: Mrs. Tina Agnello
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

SUBJECT: Commercial Improvement Programme - Business Improvement Areas

RECOMMENDATION:

a) That staff be authorized to defer the expenditure of $458,000, from the Commercial Improvement Program pending the outcome of the Capital Budget deliberations resulting from the anticipated reduction in Provincial transfer payments.

D. Lobo, Director
of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

City Council on 1987 January 29 approved the Department of Community Development's Capital Budget Submission of $500,000. per year for the next 5 years for a total of $2,500,000. for the Commercial Improvement Program. The Account Number is CF 5000 428705000.

BACKGROUND:

The Commercial Improvement Program was established to fund streetscape improvements on publicly owned lands within Hamilton's Business Improvement Areas (B.I.A's). Since 1987 B.I.A.'s have applied annually to the Community Renewal Section of the Public Works Department for funding requests of various streetscape improvements. These improvements have included items such as: benches, banners, planters, alleyway lighting, garbage

containers and paving of alleyways. The maintenance of these items has impacted the Current Budget of other Sections of the Public Works Department. $458,000. of the remaining funds has been allocated to implement the following: eligible 1993 B.I.A. requests; streetscape improvements for new or expanding B.I.A.'s; and, funding 50% (to a maximum of $5,000. per request) for murals that are placed on vacant buildings within the B.I.A.'s.

To date the B.I.A.'s have received letters identifying the pertinent amount of funding available for 1993 implementation but commitment to vendors has not taken place apart from $5,000. towards a mural for the Downtown Hamilton B.I.A.

c.c. Mr. A. Ross
City Treasurer

OFFICE OF THE CITY CLERK

City of HAMILTON

71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (416) 546-2700 / Fax (416) 546-2095

1993 July 5

Mr. Bob Basadur, Chairman
Cottonwood
1050 King Street West
Hamilton, Ontario
L8S 1L5

Dear Mr. Basadur:

This refers to the letter of 1993 June 28 from the Council of Hamilton Business Improvement Areas addressed to Mayor R. M. Morrow requesting a meeting with the Mayor and the Ward Aldermen of each B.I.A. to discuss the deferral of the expenditure of $458,000. from the Commercial Improvement Program pending the outcome of the City's Capital Budget deliberations resulting from the anticipated reduction in Provincial transfer payments which was presented to City Council 1993 June 29.

Please be advised that direction was given by City Council that the letter be referred to the Planning and Development Committee. I would also advise that the recommendation of the Planning and Development Committee to authorize staff to defer the expenditure of $458,000. was also referred back to Committee by City Council.

By copy of this letter I am requesting Tina Agnello, Secretary, Planning and Development Committee to make the necessary arrangements for representatives of the B.I.A.'s to meet with the Planning and Development Committee on Wednesday, 1993 July 21 at 9:00 o'clock a.m. in Room 233, City Hall to discuss their concerns in this matter.

Yours truly,

J. J. Schatz
City Clerk

.....2

cc: Mayor Robert M. Morrow
Alderman T. Cooke, Ward 1
Alderman M. Kiss, Ward 1
Alderman V. Agro, Ward 2
Alderman Wm. McCulloch, Ward 2
Aldermen D. Drury, Ward 3
Alderman B. Morelli, Ward 3
Alderman G. Copps, Ward 4
Alderman D. Wilson, Ward 4
Alderman H. Merling, Ward 7
Alderman T. Anderson, Ward 7
Doug Lobo, Director of Public Works
Hazel Milsome, Coordinator of Community Renewal, Public Works Dept.
Tina Agnello, Secretary, Planning & Development Committee

The following Business Improvement Area Contacts have received the attached letter:

Bob Basadur, Chairman
Cottonwood
1050 King Street West
Hamilton, Ontario
L8S 1L5

Marko Tollis, Chairman
Riviera Banquet Centre
422 Barton Street East
Hamilton, Ontario
L8L 2Y6

Teri Ewart, Manager
329 Ottawa Street North
Suite 208
Hamilton, Ontario
L8H 3Z8

Betty Toplack
Mountain Book Store
560 Concession Street
Hamilton, Ontario
L8V 1A9

Maria Farrugia, Chairperson
Calla Decor and Design
271 Main Street West
Hamilton, Ontario
L8P 1J5

Graham McToggart
Executive Director
P.O. Box 91045
Effort Square Postal Outlet
Hamilton, Ontario
L8N 4K3

Ms. Mary Pocius,
Executive Director
International Village
P.O. Box 91220, Effort Square P.O.
Hamilton, Ontario
L8N 4G4

CITY OF HAMILTON Approved at PrD June 23/93

- RECOMMENDATION - Referred Back to Ctte June 29/93 a.

1(b)

DATE: 1993 June 14
CI-93-A

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

RECEIVED
JUN 15 1993
CITY CLERKS

SUBJECT: City Initiative 93-A respecting the review of townhouses in multiple dwelling districts.

SECOND REPORT:

RECOMMENDATION:

That approval be given to City Initiative 93-A to provide for a general text amendment to Zoning By-law No. 6593 by deleting townhouses and street townhouses as permitted uses in the "D" and "G" Districts; and by deleting townhouses, maisonettes and street townhouses as permitted uses in the "DE", "DE-2", "DE-3", "E", "E-1", "E-2" and "E-3" Districts, on the following basis:

i) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District requirements as set out under Section 10 of Zoning By-law No. 6593 be amended by:

a) deleting the word "Townhouses" from the district title so that it shall read as "(URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS, ETC.)";

b) deleting Section 10.(1)(iii) in its entirety; and

c) adding thereto the following subsection:

PRIOR EXISTING USES

(8) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-10" District provisions;

(ii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

ii) That the "DE" (Low Density Multiple Dwellings) District requirements as set out under Section 10A of Zoning By-law No. 6593 be amended by:

a) deleting Section 10A.(1)(v) in its entirety; and

b) adding thereto the following subsection:

PRIOR EXISTING USES

(8) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

iii) That the "DE-2" (Multiple Dwellings) District requirements as set out under Section 10B of Zoning By-law No. 6593 be amended by:

a) deleting Section 10B.(1)(v) in its entirety; and

b) adding thereto the following subsection:

PRIOR EXISTING USES

(9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

iv) That the "DE-3" (Multiple Dwellings) District requirements as set out under Section 10C of Zoning By-law No. 6593 be amended by:

a) deleting Section 10C.(1)(v) in its entirety; and

b) adding thereto the following subsection:

PRIOR EXISTING USES

(9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(10) Notwithstanding subsection (9), those lands located at Nos. 384-390 Limeridge Road East shall be deemed a "PRIOR EXISTING USE".

v) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District requirements as set out under Section 11 of Zoning By-law No. 6593 be amended by:

a) deleting Section 11.(1)(iia) in its entirety; and

b) adding thereto the following subsection:

PRIOR EXISTING USES

(9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

vi) That the "E-2" (Multiple Dwellings) District requirements as set out under Section 11B of Zoning By-law No. 6593 be amended by:

a) deleting Section 11B.(1)(v) in its entirety; and

b) adding thereto the following subsection:

PRIOR EXISTING USES

(9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(10) Notwithstanding subsection (9), those lands located at No. 1620 Upper Wentworth Street shall be deemed a "PRIOR EXISTING USE".

vii) That the "G" (Neighbourhood Shopping Centre, etc.) District requirements as set out under Section 13 of Zoning By-law No. 6593 be amended by adding thereto the following subsection:

PRIOR EXISTING USES

(7) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the By-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-10" District provisions;

(ii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(8) Notwithstanding subsection (7), those lands located at No. 2774 King Street East shall be deemed a "PRIOR EXISTING USE".

viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

ix) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a general text amendment to Zoning By-law No. 6593 to implement the intent of the Official Plan and approved Neighbourhood Plans with respect to the location of attached housing development (i.e. townhouses, maisonettes and/or street townhouses). Existing townhouse development will be recognized accordingly.

The effect of the By-law is to **delete townhouses and street townhouses** as permitted uses from the following zoning districts:

- "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District; and
- "G" (Neighbourhood Shopping Centre, etc.) District.

and, to **delete townhouses, maisonettes and street townhouses** as permitted uses from the following zoning districts:

- "DE" (Low Density Multiple Dwellings) District;
- "DE-2" (Multiple Dwellings) District;
- "DE-3" (Multiple Dwellings) District;
- "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
- "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District;
- "E-2" (Multiple Dwellings) District; and
- "E-3" (High Density Multiple Dwellings) District.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- At the February 3, 1993 meeting of the Planning and Development Committee, Aldermen expressed concern about the number of recent development proposals for townhouses on lands that are designated and/or zoned for multiple dwellings (e.g. Low Density Apartments and Medium Density Apartments).

  The Committee was advised that townhouse development was permissable due to the pyramidal structure of the Zoning By-law, in that each successive zoning district permits the uses of the preceding district. For example, the "E-2" District which is for Medium Density Apartments permits, among other uses, single-family dwellings, two-family dwellings, three-family dwellings, townhouses, maisonettes, street townhouses, and multiple dwellings (apartments). The purpose of the pyramidal structure of the By-law is to provide flexibility in zoning.

Consequently, a block of land that is designated for "Low Density Apartments" or "Medium Density Apartments" in an approved Neighbourhood Plan, and appropriately zoned (e.g. "DE", "DE-2", "DE-3", "E-2", "E", "E-1"), could be developed for townhouses. The Aldermen were concerned about this recent trend, particularly where such lands adjoin other properties which are designated and/or zoned for "Attached Housing" (e.g. townhouses). This results in long stretches of townhouse projects, sometimes on both sides of the street, which is visually unappealing.

- At its meeting of April 21, 1993, the Planning and Development Committee gave authorization to hold a Public Meeting to consider proposed changes to Zoning By-law No. 6593 respecting the location of townhouse development, and directed that the meeting be held in June 1993.

SITE INVENTORY:

An inventory of vacant designated and/or zoned lands for "Attached Housing", "Low Density Apartments", and "Medium Density Apartments" was undertaken for the South Mountain Area below Mohawk Road, the primary area of the City subject to new development (see APPENDIX "A"). It should be noted that the data from this inventory only includes those neighbourhoods which have approved plans.

With respect to "Attached Housing", there are **21** vacant sites designated/zoned for townhouse development (i.e. "D", "RT-10", "RT-20" and "RT-30", and **18** sites designated but not yet zoned (e.g. "AA", "L-mr-1"). These sites have a total area of approximately **123.41 ac.** and would yield about **1,598 units.**

For "Low and Medium Density Apartments" there are **11** vacant sites designated/zoned for apartment development (e.g. "DE-2", "DE-3", "E-2"), and **6** sites designated but not yet zoned (e.g. "AA", L"-mr-1"). These sites have a total area of approximately **53.68 ac.** and would yield about **1,662 units**. Notwithstanding the designation for apartments, **2** of these sites are pending Site Plan Applications for townhouse development and 1 has been recently approved for same, as follows:

- DA-92-65
  <u>1620 Upper Wentworth Street</u>

  The subject lands are designated for "Medium Density Apartments" in the approved Barnstown Neighbourhood Plan and zoned "E-2" (Multiple Dwellings) District. The proposed development under Site Plan Control Application DA-92-65 is for a **48 unit townhouse co-operative**.

  As illustrated on APPENDIX "B", the subject lands are adjoined by a townhouse project to the west ("RT-20") and street townhouses to the north of Essling Avenue ("RT-30").

  In addition, it is located opposite other townhouse projects along the east side of Upper Wentworth Street ("DE-3", "RT-20") in the Butler Neighbourhood.

  Two other sites in this neighbourhood were designated for "Low Density Apartments" but developed with townhouse projects. At the southwest corner of Upper Wentworth Street and Stone Church Road East, and at the southeast corner of Upper Wellington Street and Dragoon Drive (see APPENDIX "B").

As a result, no planned apartment development has taken place in the Barnstown Neighbourhood.

- DA-92-54
  384-390 Limeridge Road East

  As shown on APPENDIX "C", the subject lands are designated for "Low Density Apartments" in the approved Bruleville Neighbourhood Plan and zoned "DE-3" (Multiple Dwellings) District. This site was rezoned in 1987 (By-law No. 87-8) to permit the construction of a lodging house for the accommodation of 58 elderly persons.

  The current Site Plan Application is for the construction of **21 townhouse units.**

- DA-92-35
  55 Towercrest Drive

  As shown on APPENDIX "D", the subject lands are designated for "Medium Density Apartments" in the approved Jerome Neighbourhood Plan and zoned "E-2" (Multiple Dwellings) District. This site was rezoned in 1991 (By-law No. 91-72) on the basis of future proposed apartment development. The Site Plan Application is for an **83 unit townhouse project** and was approved by the Planning and Development Committee on February 17, 1993.

  The adjoining block of land to the west was rezoned at the same time for future townhouse development (i.e. "RT-20"). Site Plan Application DA-92-31 was approved on December 18, 1992, for the construction of a **64 unit non-profit townhouse project.**

OFFICIAL PLAN POLICY &
NEIGHBOURHOOD PLANNING IMPLICATIONS:

Notwithstanding the pyramidal structure of the Zoning By-law, the utilization of designated/zoned "Low Density and Medium Density Apartment" sites for townhouse development undermines the intent of the Official Plan and approved Neighbourhood Plans.

As set out under Policy A.2.1.8, it is the intent of the Official Plan "...that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable."

Furthermore, Policy D.2.2 states that "The detailed planning for the distribution and location of various land uses in each PLANNING UNIT will be determined or reviewed through the preparation of NEIGHBOURHOOD PLANS."

From a Neighbourhood Planning perspective, the development of designated and/or zoned apartment sites for townhouses has the following negative effects:

- **Change of Planned Neighbourhood Density**

  - not maximizing infrastructure put in place to support planned development;

- development pressures are created to utilize remaining densities on other sites in the neighbourhood which are not planned for such uses; and,

- doesn't support the concept of **Sustainable Development**, in that apartment sites are strategically located to encourage and support the location of other neighbourhood support services, including public transit.

• **Change of Planned Neighbourhood Mix**

- sites are planned for a gradation of housing types (e.g. single-family dwellings, townhouses, apartments) to meet the various household needs. Changes in planned housing types erodes this premise; and

- in keeping with the policies of the Official Plan, an attempt is made, through the preparation of Neighbourhood Plans, to provide for a variety of housing types and tenure in each neighbourhood. In this regard, apartment units are required to meet the housing needs of the growing number of households in the City, including senior citizens.

• **Change in Neighbourhood Design**

- apartment sites are provided to vary the form and appearance of the **streetscape** in order to create a vibrant and changing area. Rows of block townhouses are visually unappealing and create a **canyon effect**, thereby creating a negative image of the neighbourhood.

OPTIONS:

Potential options include:

1. **eliminate townhouses, maisonettes, and street townhouses** as permitted uses from the "Apartment" zoning districts (e.g. "DE", "DE-2", "DE-3", "E", "E-1", "E-2", "E-3"). Although this may be regarded as a form of downzoning, it provides the most direct means of protecting designated apartment sites for their future intended use. Applications for proposed townhouse development, or other lower density type residential uses, could be evaluated on their own merits on a site by site basis.

2. **site specific by-laws** could preclude attached housing forms of development at the time application(s) are made for rezoning designated "Low and Medium Density Apartment" sites. This option would have the effect of **"grandfathering"** those sites already zoned (e.g. "DE-2", "DE-3", "E-2"). The principal disadvantage of this option is that the majority of the apartment designated sites are already zoned (i.e. 11 of 17). Accordingly, the trend for townhouse development could continue unabated.

3. **maintain status quo**. This option accepts that the pyramidal structure of the by-law provides flexibility to developers in meeting changing market demands. The major disadvantage of this option is that sites for "Low and Medium Density Apartments" are selected on Neighbourhood design criteria, and once developed for lower order residential development are generally not replaced, consequently, the planned mix of residential types and densities is not achieved.

Furthermore, these sites generally adjoin other properties which are designated and/or zoned for "Attached Housing" (i.e. townhouses). Consequently, development of the apartment sites for townhouse projects results in an over-concentration of this form of housing in certain areas (e.g. Limeridge Road, Upper Ottawa, Upper Wentworth, Rymal Road).

OTHER MATTERS:

At its meeting of March 3, 1993, the Planning and Development Committee approved a number of Neighbourhood Plan Amendments as part of a "Housekeeping Review", including changing the **"Single & Double & Attached Housing"** designation to two separate designations (**i.e. "Single & Double" and "Attached Housing"**). Subsequently, this initiative was approved by City Council at its meeting of March 9, 1993.

In this regard, the "D" District under Zoning By-law 6593, which is essentially a one and two-family dwelling zone, also permits townhouses subject to the "RT-10" District provisions. In keeping with this recent amendment, it would be appropriate to delete townhouses as a permitted use from the "D" District.

This change will also affect the "G" (Neighbourhood Shopping Centre, etc.) District, in that it permits uses in the "D" District (e.g. townhouses).

It should be noted, that a Site Plan Application (DA-93-08) has been received for a proposed 43 unit condominium townhouse project on lands located at 2774 King Street East (see APPENDIX "E"). The subject lands are designated **"Commercial"** (i.e. Non-Highway Commercial) in the approved Gershome Neighbourhood Plan, and zoned "G" (Neighbourhood Shopping Centre, etc.) District, modified.

COMMENT:

From the above discussion, it would be appropriate to amend Zoning By-law 6593 to implement Option 1. This would result in the following changes:

1. Section 10 - "D" District

   That the heading be amended by deleting the word "Townhouses" so that it shall read as "(Urban Protected Residential - One and Two-Family Dwellings, etc.)".

   That Section 10.(1)(iii) be deleted.

2. Section 10A - "DE" District

   That Section 10A.(1)(v) be deleted.

3. Section 10B - "DE-2" District

   That Section 10B.(1)(v) be deleted.

4. Section 10C - "DE-3" District

   That Section 10C.(1)(v) be deleted.

5. Section 11 - "E" District

That Section 11.(1)(iia) be deleted.

6. Section 11B - "E-2" District

That Section 11B.(1)(v) be deleted.

Consequently, those lands which are designated for "ATTACHED HOUSING" in approved Neighbourhood Plans would require a "RT-10", "RT-20" or "RT-30" District zoning which appropriately reflects the intended use.

Upon the finalization of an implementing By-law, all existing townhouse, maisonette and street townhouse developments in the affected districts would become legal non-conforming. In order to facilitate the alteration, extension or enlargement of existing developments without the need for Committee of Adjustment approval or a zoning modification, it would be appropriate to grandfather "Prior Existing Uses". In this regard, the provisions of the applicable zoning district (i.e. "RT-10", "RT-20" or "RT-30") would apply.

With respect to by-law enforcement and administration, the Building Department has advised that only those sites for which a Site Plan has been approved and a Building Permit Application was made prior to the passing of the implementing By-law, would be able to continue with a townhouse, maisonette or street townhouse development under the original by-law regulations.

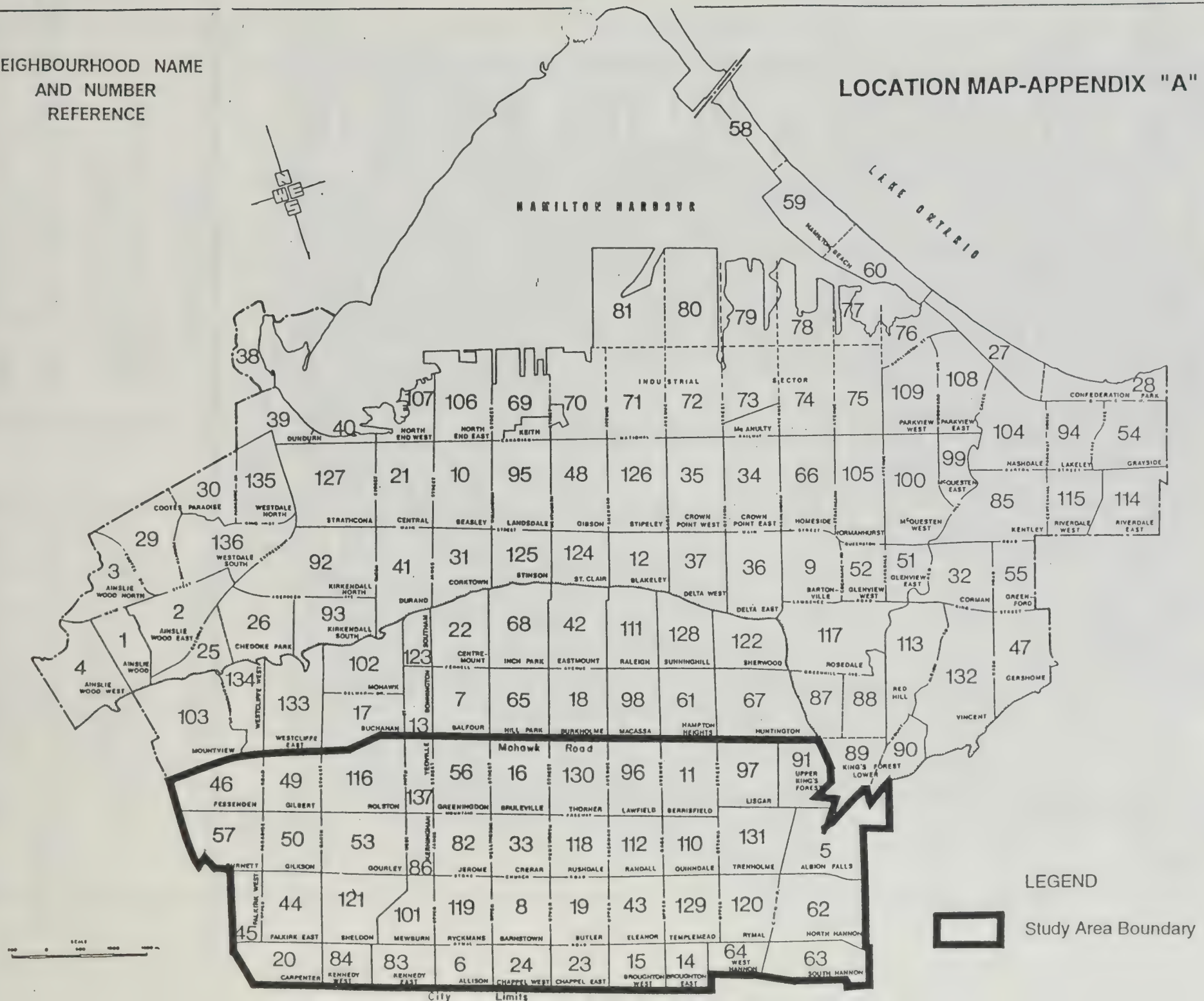
As previously noted, there are 3 proposed townhouse projects pending Site Plan approval (i.e. DA-92-65 No. 1620 Upper Wentworth Street; DA-92-54 Nos. 384-390 Limeridge Road East; DA-93-08 No. 2774 King Street East). Given their status, it would be appropriate to "grandfather" these projects on a site specific basis.

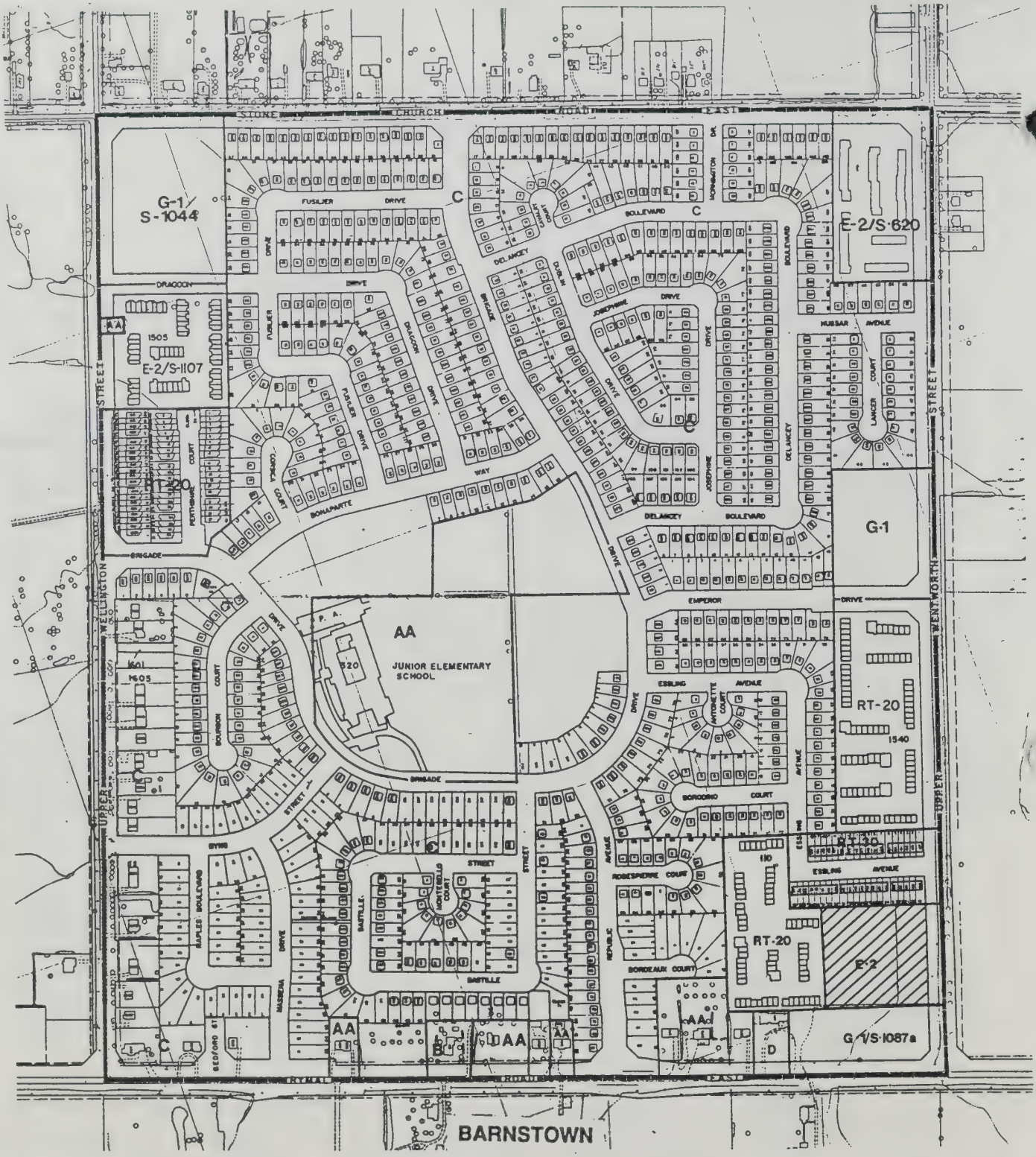
CONCLUSION:

Based on the foregoing, it would be appropriate to delete townhouses, maisonettes and street townhouses as permitted uses from the non-multiple dwelling districts (i.e. "D", "DE", "DE-2", "DE-3", "E", "E-1", "E-2", "E-3" and "G").

NEIGHBOURHOOD NAME AND NUMBER REFERENCE

LOCATION MAP-APPENDIX "A"





City of Hamilton

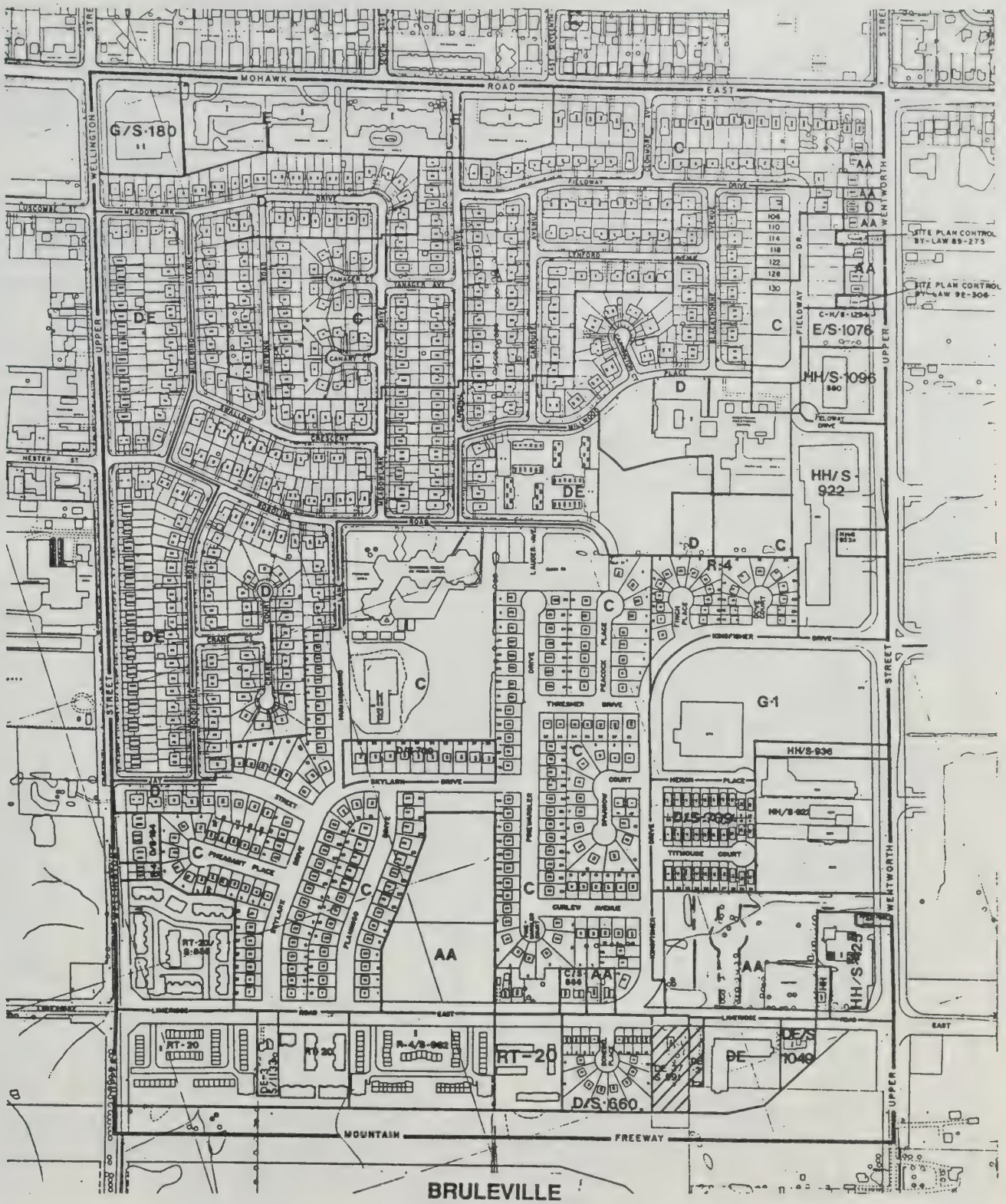
APPENDIX "B"

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Location of DA-92-65

North	Scale	Reference File No.
	Not To Scale	
	Date	Drawn By
	March , 1993	E.C.



City of Hamilton

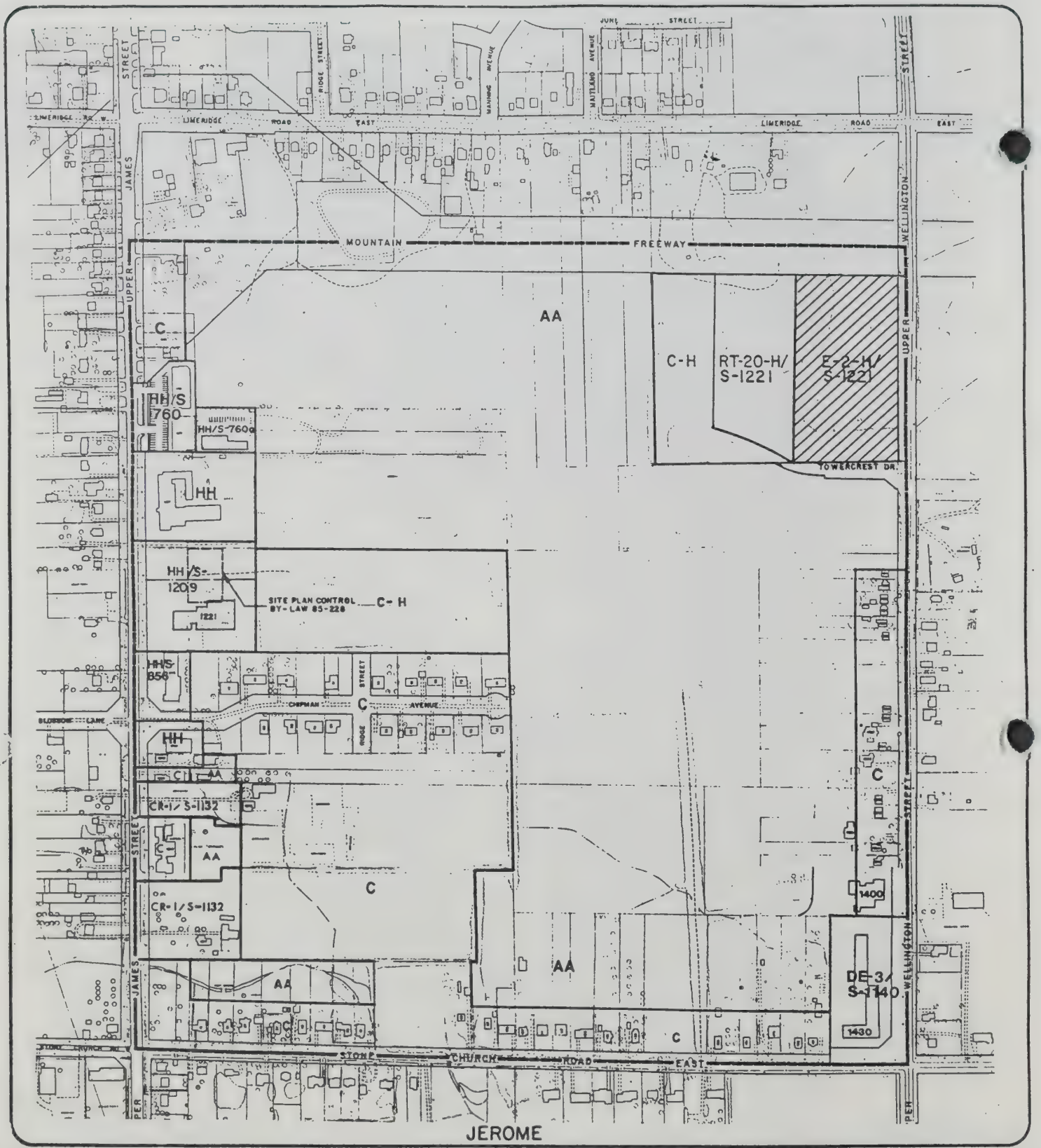
APPENDIX "C"

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Location of DA-92-54

North	Scale	Reference File No.
	Not To Scale	
	Date	Drawn By
	March , 1993	E.C.



City of Hamilton

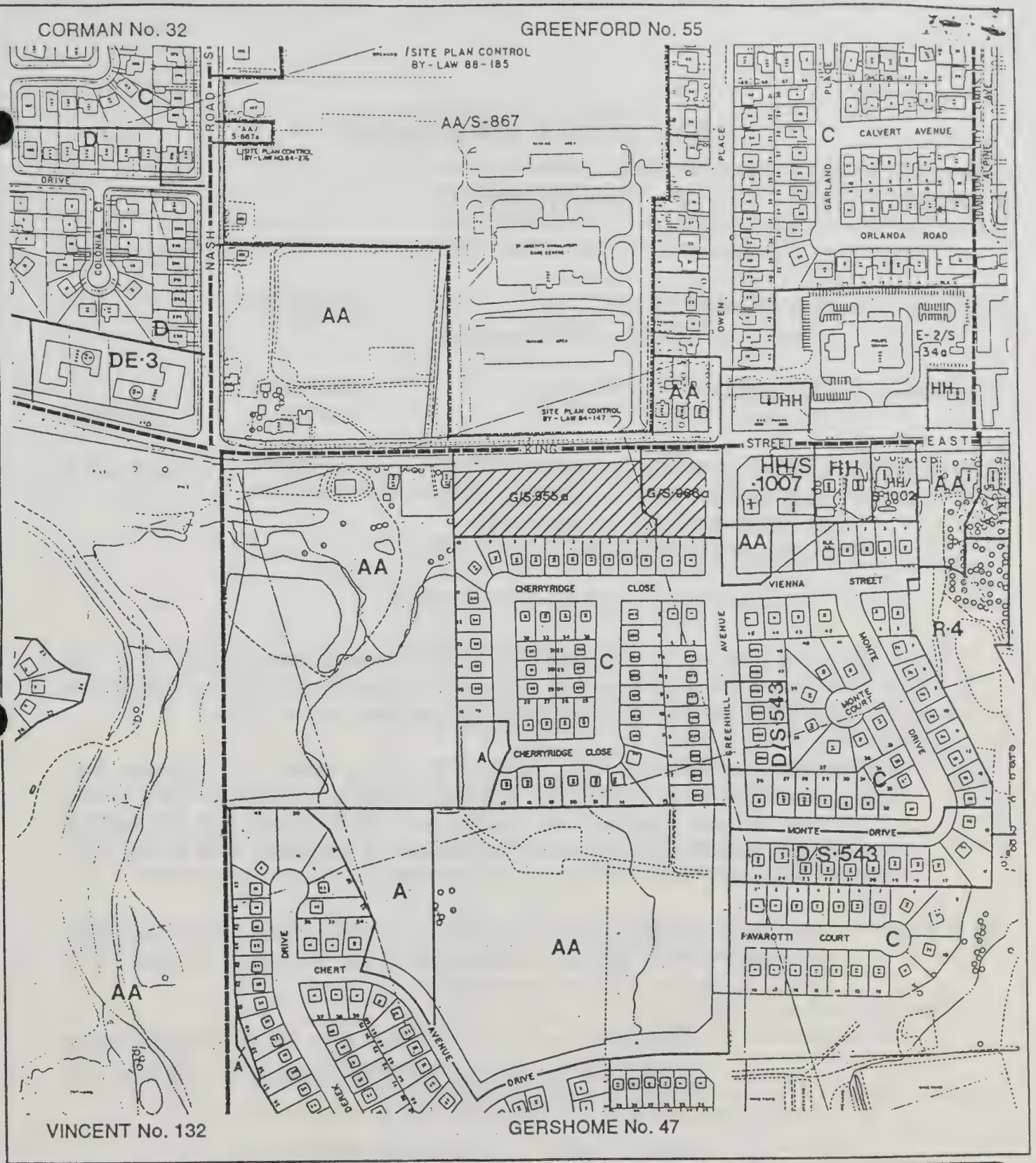
APPENDIX "D"

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Location of DA-92-35

North	Scale	Reference File No.
	Not To Scale	
	Date	Drawn By
	March , 1993	E.C.



City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control
Application DA-93-08

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	NOT TO SCALE	DA-93-08
	Date	Drawn By
	MARCH 1993	Z.K.

CITY CLERK'S DEPARTMENT

MEMORANDUM

****

TO:	Tina Agnello, Secretary Planning and Development Committee	YOUR FILE:	
FROM:	J. J. Schatz City Clerk	OUR FILE: PHONE:	 546-2729
SUBJECT:	**REFERRAL BACK TO COMMITTEE CI-93-A RESPECTING THE REVIEW OF TOWNHOUSES IN MULTIPLE DWELLING DISTRICTS**	DATE:	1993 July 2

City Council at its meeting of 1993 June 29 moved to refer back Section 4 of the **ELEVENTH** Report of the Planning and Development Committee subjoined hereto and the accompanying Bill C-52 in Section 20(e) of the same report as follows:

4. That approval be given to City Initiative 93-A to provide for a general text amendment to Zoning By-law No. 6593 by deleting townhouses and street townhouses as permitted uses in the "D" and "G" Districts; and by deleting townhouses, maisonettes and street townhouses as permitted uses in the "DE", "DE-2", "DE-3", "E", "E-1", "E-2" and "E-3" Districts, on the following basis:

   (a) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District requirements as set out under Section 10 of Zoning By-law No. 6593 be amended by:

      i. deleting the word "Townhouses" from the district title so that it shall read as "(Urban Protected Residential - One and Two Family Dwellings, ETC.)";

      ii. deleting Section 10.(1)(iii) in its entirety; and

      iii. adding thereto the following subsection:

PRIOR EXISTING USES

(8) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-10" District provisions;

(ii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(b) That the "DE" (Low Density Multiple Dwellings) District requirements as set out under Section 10A of Zoning By-law No. 6593 be amended by:

i. deleting Section 10A.(1)(v) in its entirety; and

ii. adding thereto the following subsection:

PRIOR EXISTING USES

(8) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(c) That the "DE-2" (Multiple Dwellings) District requirements as set out under Section 10B of Zoning By-law No. 6593 be amended by:

i. deleting Section 10B.(1)(v) in its entirety; and

ii. adding thereto the following subsection:

PRIOR EXISTING USES

(9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(d) That the "DE-3" (Multiple Dwellings) District requirements as set out under Section 10C of Zoning By-law No. 6593 be amended by:

i. deleting Section 10C.(1)(v) in its entirety; and

ii. adding thereto the following subsection:

PRIOR EXISTING USES

(9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(10) Notwithstanding subsection (9), those lands located at Nos. 384-390 Limeridge Road East shall be deemed a "PRIOR EXISTING USE".

(e) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District requirements as set out under Section 11 of Zoning By-law No. 6593 be amended by:

i. deleting Section 11.(1)(iia) in its entirety; and

ii. adding thereto the following subsection:

PRIOR EXISTING USES

(9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(f) That the "E-2" (Multiple Dwellings) District requirements as set out under Section 11B of Zoning By-law No. 6593 be amended by:

i. deleting Section 11B.(1)(v) in its entirety; and

ii. adding thereto the following subsection:

PRIOR EXISTING USES

(9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(10) Notwithstanding subsection (9), those lands located at No. 1620 Upper Wentworth Street shall be deemed a "PRIOR EXISTING USE".

(g) That the "G" (Neighbourhood Shopping Centre, etc.) District requirements as set out under Section 13 of Zoning By-law No. 6593 be amended by adding thereto the following subsection:

PRIOR EXISTING USES

(7) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the By-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-10" District provisions;

(ii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(8) Notwithstanding subsection (7), those lands located at No. 2774 King Street East shall be deemed a "PRIOR EXISTING USE".

(h) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(i) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

20. (e) C-52 By-law to amend Zoning By-law No. 6593 respecting Townhouses in Multiple Dwelling Districts.

cc: Victor Abraham, Director of Local Planning
Patrice Noé-Johnson, City Solicitor
Len King, Building Commissioner

P+D June 23, 1993 : Tabled to next mtg.

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	1993 June 7 ZA-89-57 Sheldon Neighbourhood	RECEIVED JUN 15 1993
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee	CITY CLERKS
FROM:	Mr. J. D. Thoms Commissioner of Planning and Development	
SUBJECT:	Request for changes in zoning - Nos. 236 - 250 Rymal Road West.	

RECOMMENDATION:

That approval be given to amended Zoning Application 89-57, Ascenzo Lepore, owner, requesting changes in zoning from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District (Block "1"), and to "C" (Urban Protected Residential, etc.) District (Block "2"), to permit future development for single-family detached dwellings, on lands located at Nos. 236 - 250 Rymal Road West, as shown on the attached map marked as Appendix "A", on the following basis:

i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., to Block "1" by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Block "1" until municipal water and sewer services are available to the satisfaction of the Commissioner of Transportation and Environmental Services.

Removal of the holding restriction shall be conditional upon the availability of all such municipal water and sewers serving the subject lands to the satisfaction of the Commissioner of Transportation and Environmental Services. City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in this By-law by the enactment of an amending By-law once municipal water and sewer services are available.

ii) That Block "1" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District;

iii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-17D and W-17E for presentation to City Council;

v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The amending By-law establishes the holding provisions of Section 36(1) of the Planning Act, R.S.O., on Block "1" by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Block "1" until municipal water and sewers services are available. Removal of the holding restriction shall be conditional upon the availability of municipal water and sewers serving the subject lands to the satisfaction of the Commissioner of Transportation and Environmental Services. City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in the amending By-law outlined below.

The purpose of the By-law is to provide for changes in zoning from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District (Block "1"), and to "C" (Urban Protected Residential, etc.) District (Block "2"), for property located at Nos. 236 - 250 Rymal Road West, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit future development of the subject lands for single-family detached dwellings.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The purpose of the proposed changes in zoning is to permit future development of the subject lands for single-family detached dwellings. In this regard, it is understood that the applicant intends to apply to the Regional Land Division Committee for approval of land severance applications, upon approval of this application, for the lands fronting onto Rymal Road West.

APPLICANT:

Acenzo Gemino Lepore, owner.

LOT SIZE AND AREA:

- 64.008m (210.0 ft.) of lot frontage on Rymal Road West;
- 124.54 m (408.59 ft.) of lot depth; and
- 6,463.26 m^2 (69,572.23 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject lands	single-family dwelling	"AA" (Agricultural) District
Surrounding lands		
to the north	vacant	"DE"-'H' (Low Density Multiple Dwellings - Holding) District, modified
to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	single-family dwelling and vacant	"AA" (Agricultural) District

to the west	vacant	"B-2"-'H' (Suburban Residential - Holding) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan. The following policies, among others, would apply.

"2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C 7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;..

C 7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE and DOUBLE RESIDENTIAL" on the approved Sheldon Neighbourhood Plan. The proposal complies with the intent of the plan.

COMMENTS RECEIVED:

- The Building Department, Traffic Department, and the Hamilton Region Conservation Authority have no comments or objections.

- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the portion of these lands fronting Rymal Road West and to approximately 60 m northerly. The rear lands must drain northerly where servicing is presently not available nor planned in the near future. Therefore, development of the rear lands is premature.

The designated road allowance width of Rymal Road West is 36.0 m. It appears from our records that a portion of the road widening was previously acquired by the Region. To ensure that the Region acquires all the necessary road widenings, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region to establish the widened road allowance limits 8.7967 m north of the original road allowance limits of Rymal Road West.

In the absence of any details shown, we advise that any works within the Rymal Road West road allowance, as widened, must conform to the Region of Hamilton - Wentworth Roads Use By-law.

According to the approved Sheldon Neighbourhood Plan, the subject lands are designated for internal street purposes and single and double housing.

We recommend that the subject lands be developed through subdivision control to ensure that the internal neighbourhood streets are established and that all sevicing costs can be recovered by the City and the Region."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2, The proposal complies with the intent of the approved Sheldon Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   - it implements the intent of the both the Official Plan and the approved Sheldon Neighbourhood Plan which designate the subject lands "RESIDENTIAL" and "SINGLE and DOUBLE RESIDENTIAL" respectively;

   - it would be compatible with existing and future planned development in this area;

   - it represents an "infill" situation along this portion of Rymal Road West;

   - the requested "C" (Urban Protected Residential, etc.) District zoning would be compatible with established zoning on both sides of Rymal Road West in this area.

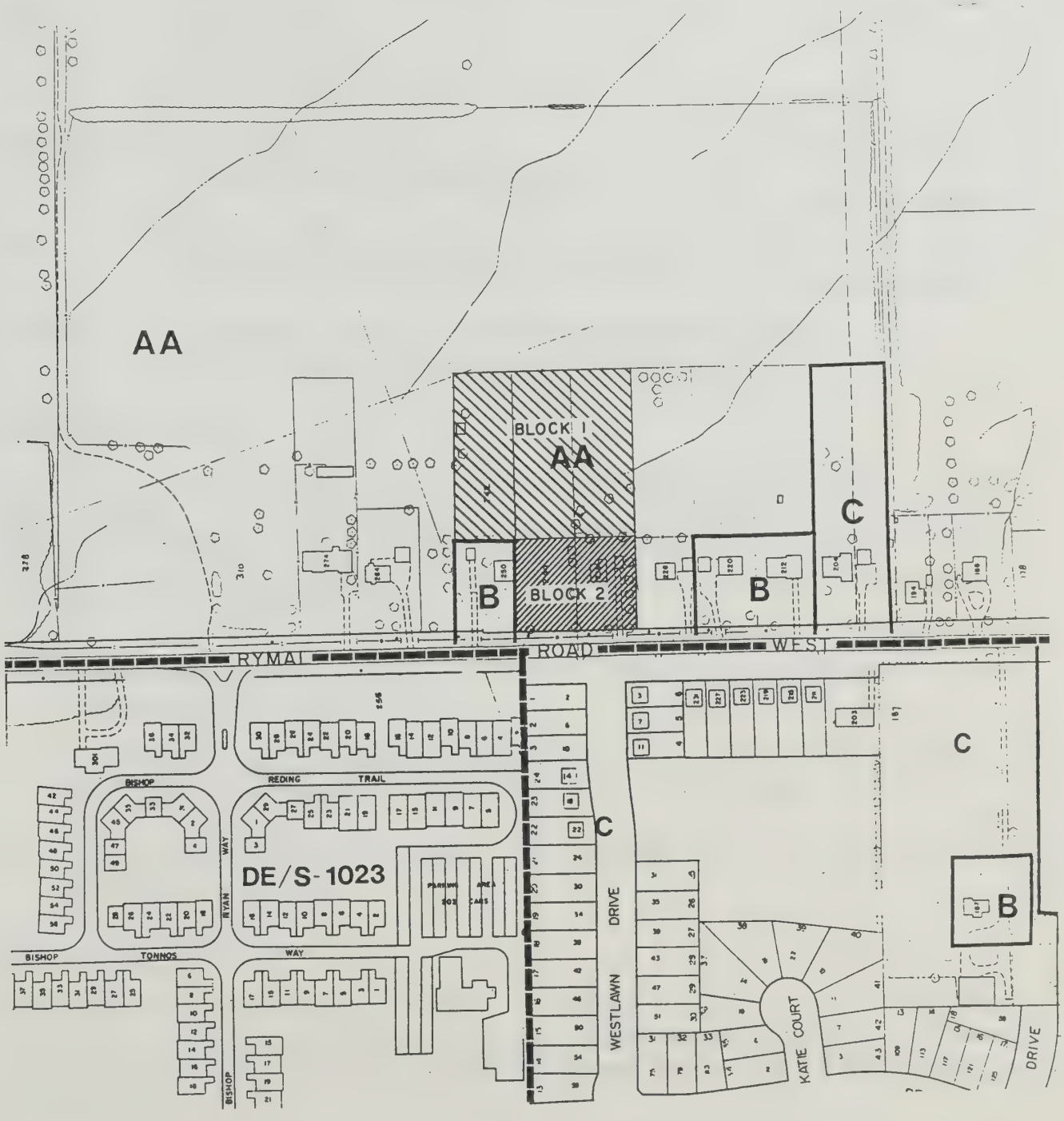
4. The Hamilton-Wentworth Roads Department notes that while the lands fronting onto Rymal Road West to a depth of approximately 60.0 m can be serviced by public water mains and separate storm and sanitary sewers, the rear lands (Block "1") must drain northerly where servicing is presently not available nor planned in the near future. Therefore, development of the rear lands, (Block "1" - north of and parallel to adjoining lands in the "B" (Suburban Agriculture and Residential, etc.) District), is premature. In this regard, it would be appropriate that the rear lands be subject to Section 36(1) of the Planning Act, R.S.O., whereby Council may, in a By-law, use a holding symbol "H" in conjunction with any Zoning District and specify the use to which lands, buildings, or structures may be put at such time in the future as the holding symbol is removed by an amendment to the By-law.

5. Matters concerning outstanding servicing costs, road widenings, etc. can be dealt with upon submission of either a draft plan of subdivision or land severance applications.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/
WPZA8957



Legend

Proposed Changes in Zoning From "AA" (Agricultural) District to:

BLOCK 1		"C" - "H" (Urban Protected Residential, etc. Holding) District.
BLOCK 2		"C" (Urban Protected Residential, etc.) District.

ZA 89 - 57
AMENDED

APPENDIX A

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 13, 1993
ZAR-93-13
Ryckmans Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED
JUL 13 1993
CITY CLERKS

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in Zoning for the lands located east of DiCenzo Drive and South of Stone Church Road East.

RECOMMENDATION:

That approval be given to Zoning Application 93-13, DiCenzo Construction Company Limited, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit single-family dwellings, for the lands located east of Dicenzo Drive and south of Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map E-9C for presentation to City Council; and,

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-Law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for the lands located east of Dicenzo Drive and south of Stone Church Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit development of the subject lands for single-family dwellings, in conjunction with lands to the east.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The subject lands are included within the Dicenzo Gardens draft plan of Subdivision, which received draft approval on February 3, 1987, thus will form part of 13 single-family lots fronting onto DiCenzo Drive. The land is currently vacant.

- Land Severance Applications H-18-93 to H-24-93 inclusive

  At its meeting of February 16, 1993, the Land Division Committee **denied** Land Severance Applications H-18-93 to H-24-93 inclusive, to convey several parcels of vacant land having frontage on DiCenzo Drive for future residential development. The Committee was of the opinion that development should proceed through the continued processing of the draft approved plan of subdivision.

  The applicant subsequently submitted the subject application (i.e. ZAR-93-13)

APPLICANT:

DiCenzo Construction Company Limited, owner.

LOT SIZE AND AREA:

- 103.107 m (338.27 ft.) of frontage on DiCenzo Drive;
- 13.0 m (42.6 ft.), average depth; and,
- 521.5 m^2 (5613.38 sq. ft.) of total lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural District)
Surrounding Lands		
to the north	Vacant lands and Single - Family Dwellings	"B" (Suburban Agriculture and Residential, etc.) District

to the south	Vacant	"C" (Urban Protected Residential, etc.) District
to the east	Vacant	"C" (Urban Protected Residential, etc.) District
to the west	Park	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are situated at the extreme easterly portion of an **Open Space** designation according to Schedule A - Land Use Concept of the Official Plan. Immediately to the east of the subject lands, the Official Plan designation of **Residential** is in effect. The following policy should be noted:

"A.2.4.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as OPEN SPACE will include developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics (in accordance with the Hazard Lands provisions of Subsection A.3.1 of this Plan)."

The following policy of Subsection A.2.1 - Residential Uses should also be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;

viii) Support the concept of accessory apartments as-of-right in all areas of the City as regulated by the Zoning By-Law;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents; and,

xii) Encourage development at densities conducive to the efficient operation of Public Transit and which utilizes designs or construction techniques that are energy efficient."

The intent is to rezone the subject lands to link to a proposed residential development to the east. Recognizing the relatively small amount of lands to be effected by the proposed rezoning and its location between Open Space and Residential designations, the following policy should be noted:

"D.8.2 The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedules "B", "B-1", "B-2", "C", "D", "F", "G" and "H" are only intended to be general and not to define the exact limits of any land use or policy. It is intended, therefore, that minor adjustments may be made in respect of these boundaries in the Zoning By-law without the necessity of further amending this Official Plan, so long as such By-laws conform to the general intent and purpose of this Plan."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Ryckmans Neighbourhood Plan. The proposal complies with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comment or objections:

  - Hamilton Regional Conservation Authority;
  - Traffic Department; and,
  - Building Department.

- The Roads Department has advised that:

  " There are public watermains and separate storm and sanitary sewers available to service these lands."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal complies with the intent of the approved Ryckmans Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   i) the proposal does not conflict with the intent of the Official Plan;

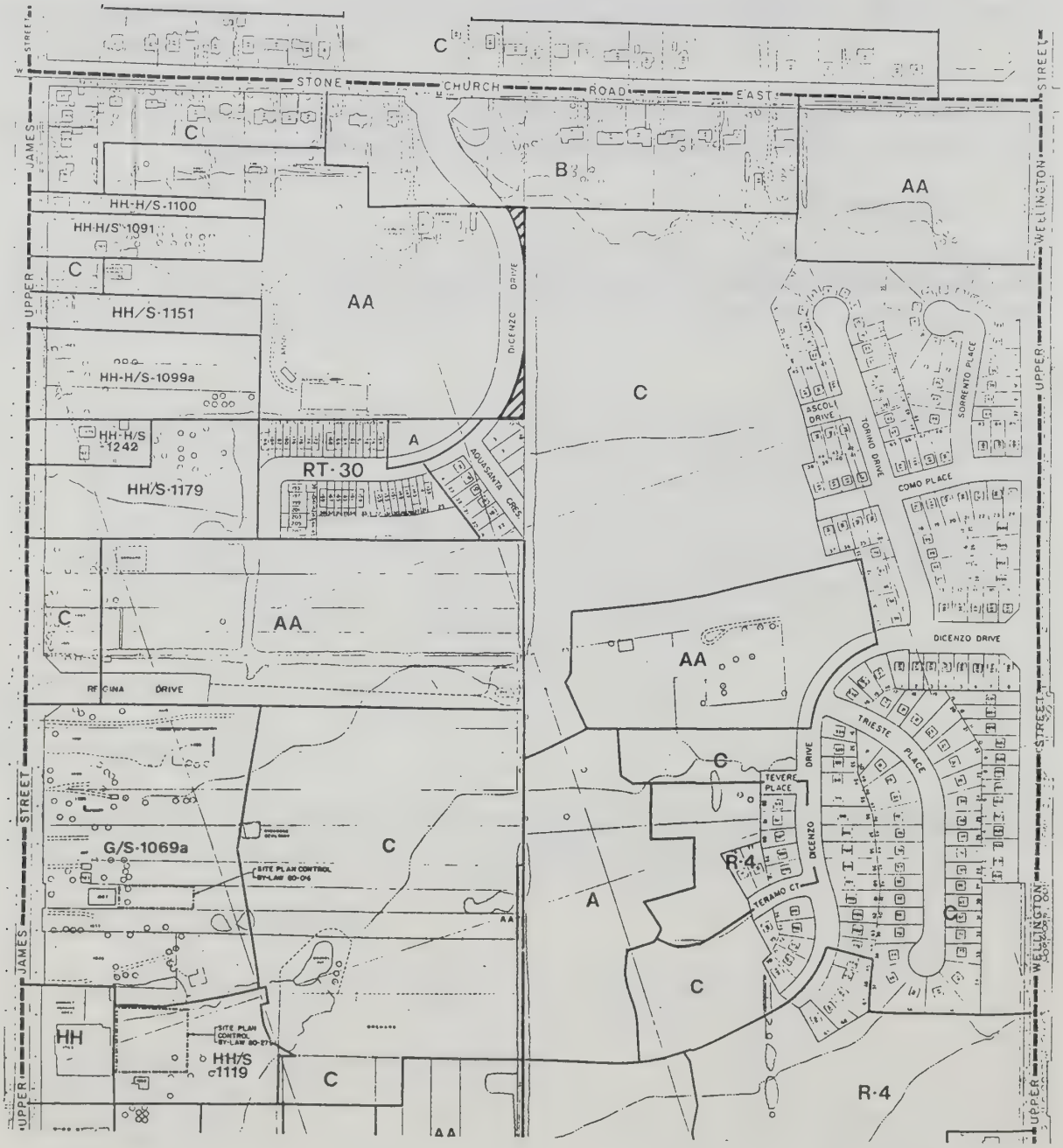
   ii) it implements the intent of the approved Ryckmans Neighbourhood Plan which designates the lands "SINGLE AND DOUBLE RESIDENTIAL"; and,

   iii) it serves to complete the future intended pattern of development in accordance with the Dicenzo Gardens draft plan of Subdivision.

CONCLUSION:

Based on the foregoing, the application can be supported.

JL/
ZAR9313



Legend

Site of the Application

ZAR-93-13

APPENDIX A

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: June 25, 1993
ZA-93-15
Carpenter Neighbourhood

RECEIVED
JUL 13 1993
CITY CLERKS

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for changes in zoning - No. 631 Rymal Road West.

RECOMMENDATION:

That approval be given to Zoning Application ZAC-93-15, Mr. and Mrs. Russell McCrory, owners, requesting changes in zoning from "AA" (Agricultural) District to "B" (Suburban Agriculture and Residential, etc.) District (Block "1"), and to "C" (Urban Protected Residential, etc.) District (Block "2"), to permit development of the subject lands for single-family dwellings, for property located at No. 631 Rymal Road West, as shown on the attached map marked as Appendix "A", on the following basis:

(i) That Block "1" be rezoned from "AA" (Agricultural) District to "B" (Suburban Agriculture and Residential, etc.) District;

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27-E for presentation to City Council; and

(iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning from "AA" (Agricultural) District to "B" (Suburban Agriculture and Residential, etc) District (Block "1"), and to "C" (Urban Protected Residential, etc.) District (Block "2"), for property located at No. 631 Rymal Road

West, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit future development of Block "2" for four (4) single-family dwellings.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The purpose of the proposed changes in zoning is to permit development of Block "2" for four (4) single-family dwellings.

- Land Severance Applications

  At its meeting held on June 1, 1993, the Regional Land Division Committee approved the following land severance applications (see Appendix "B" and "C"):

  H-54-93 to convey a vacant parcel of land having 55.47 m of lot width, a depth of 32.3 m and an area of 1,792.22 m^2 for future residential purposes (Block "2"), and to retain a parcel of land occupied by a single-family dwelling having 22.86 m of lot frontage on Rymal Road West, a depth of 140.8 m and an area of 2,847.01. m^2 (Block "1").

  H-55-93 to convey a vacant parcel of land for future residential purposes having a lot width of 13.86 m, a lot depth of 32.3 m and a lot area of 443 m^2, and to retain a vacant parcel of land for future residential purposes having 41.45 m of lot width, a lot depth of 32.3 m and a lot area of 1,329.39 m^2.

  H-56-93 to convey a vacant parcel of land for future residential purposes having a lot width of 13.86 m, a lot depth of 32.3m and a lot area of 443 m^2, and to retain a vacant parcel of land for future residential purposes having a lot width of 13.86 m, a lot depth of 32.3m and a lot area of 443 m^2.

Approval of the above noted land severance applications are subject to, among others, the following conditions:

- Submit proof of final approval of any necessary change of zoning.
- Enter into a Modified Subdivision Agreement with the City of Hamilton, to the satisfaction of the Regional Roads Department.
- Lift the 0.301 m reserve, shown as Part 8 of Reference Plan 62R-12388, and pay all outstanding servicing costs to the City/Region, to the satisfaction of the Regional Roads Department.
- Establish the extension of Upper Paradise Road by by-law passed by City Council and registered on title and construct the roadway to the satisfaction of the City of Hamilton.

- By-law 92-288

On November 24, 1992, City Council passed By-law 92-288 which rezoned lands located immediately to the south of the subject lands from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District. The effect of the By-law is to permit development of the lands for single-family dwellings. The By-law came into effect on December 24, 1992.

APPLICANT:

Mr. and Mrs. Russell McCrory, owners.

LOT SIZE AND AREA:

An irregular shaped parcel of land having:

- 22.86 m (75.0 ft.) of lot frontage on Rymal Road West;
- 140.82 m (462.0 ft.) of lot depth; and
- 0.47 ha (1.17 ac) of lot area.

LAND USE AND ZONING:

	Existing land use	Existing Zoning
Subject lands	single-family dwelling	"AA" (Agricultural) District

Surrounding lands

to the north	day nursery	"AA" (Agricultural) District, modified
to the south	vacant	"C" (Urban Protected Residential, etc.) District
to the east	single-family dwellings	"AA" (Agricultural) District
to the west	single-family dwellings and vacant lands	"AA" (Agricultural) District, "B" (Suburban Agriculture and Residential, etc.) District and "C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan. The following policies, among others, would apply:

"2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the

needs of the present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern; and,

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE and DOUBLE RESIDENTIAL" on the approved Carpenter Neighbourhood Plan. The proposal complies with the intent of the approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Building Department, Traffic Department, Hamilton Region Conservation Authority, Niagara Pennsula Conservation Authority, and TransCanada Pipe Lines have no comments or objections.

- The Hamilton-Wentworth - Roads Department has advised that:

  "Public watermains and separate storm and sanitary sewers will be available to service these lands after they are constructed, likely this year, under the plan of subdivision for Highridge South - Phase 1.

  With respect to application H-54-93, the designated road allowance width of Rymal Road West is 36.58 m. Therefore, in accordance with this designation, the owner should be advised of a future road allowance widing of approximately 5.18 m to establish the property line 18.29 m from the centreline of construction as shown on M.T.C. Transfer Plan P-1944-38.

  As a condition of severance approval for applications H-55-93 and H-56-93, we recommend that the 0.301 m reserve, shown as Part 8 of Reference Plan 62R-12388 be lifted and all outstanding servicing costs be paid to the City/Region.

As a condition of severance approval for applications H-54-93 to H-56-93 inclusive, the owner must enter into a Modified Subdivision Agreement with the City.

Any work within the road allowance(s) must conform to the respective Streets/Roads By-law.

Any change or new access requires an Access permit and all costs associated with construction is at the expense of the applicant/owner.

Prior to the issuance of a Building Permit, a Building Setback Permit is required.

Development adjacent to a Regional road must conform to the Regional Roads Setback By-law No. 2613."

COMMENTS:

1. The proposal complies with the intent of both the Official Plan and the approved Carpenter Neighbourhood Plan.

2. The proposal has merit and can be supported for the following reasons:

   - it implements the intent of both the Official Plan and the approved Carpenter Neighbourhood Plan which designate the lands "RESIDENTIAL" and "SINGLE and DOUBLE RESIDENTIAL" respectively;

   - it would be compatible with existing and proposed development in the surrounding area; and

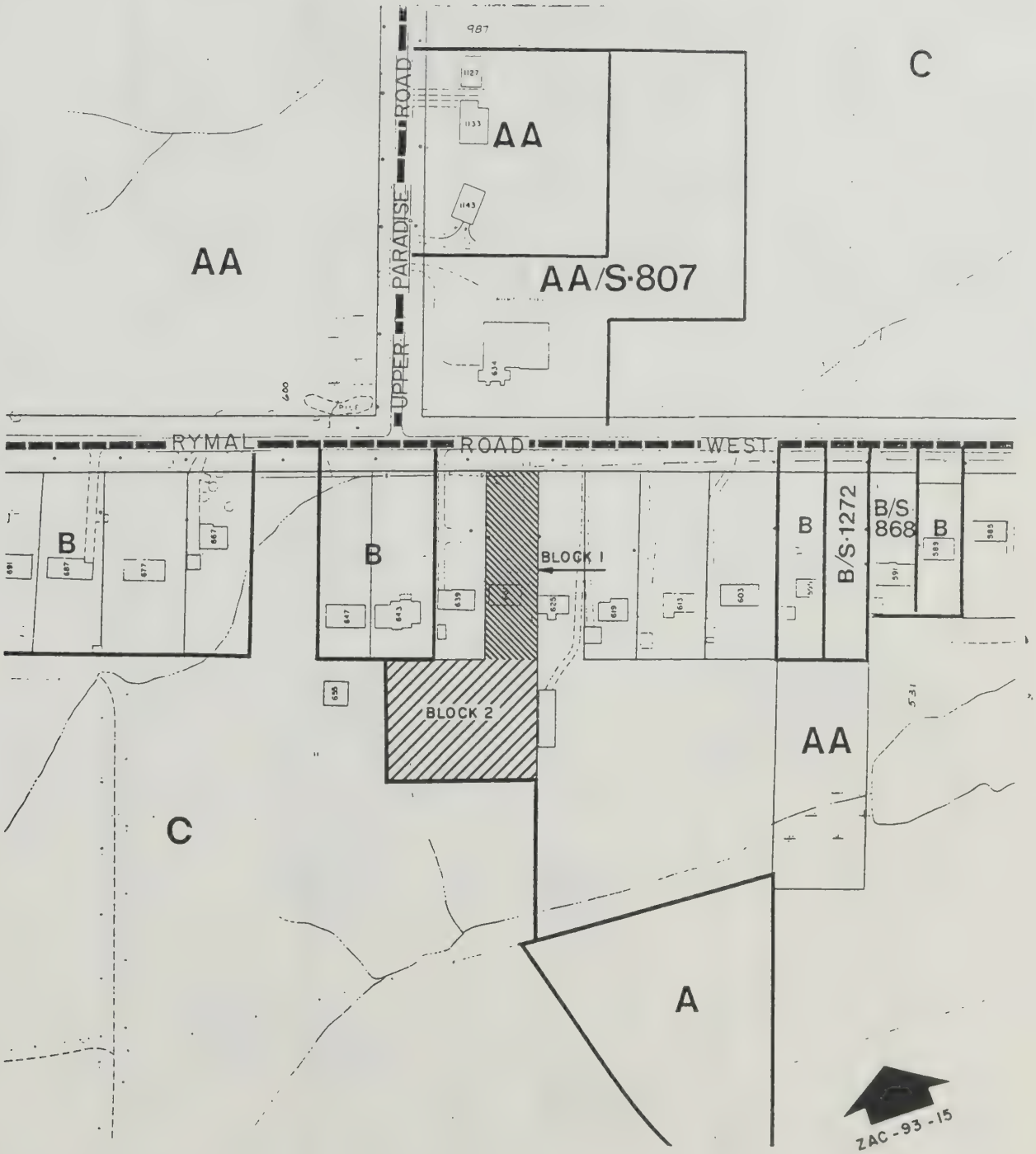
   - it will provide for the rear portion of the subject lands to be developed in conjunction with development of adjoining "C" zoned lands to the west (Highridge South Phase 1 Draft approved plan of subdivision - see Appendix "D") which will establish road access for the proposed lots.

3. Matters such as road widenings, lifting of the 0.301 m reserve, the establishing of the extension of Upper Paradise Road by By-law, outstanding servicing costs, etc. have been addressed as conditions of land severance approval (see Background).

CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/
WPZA9315



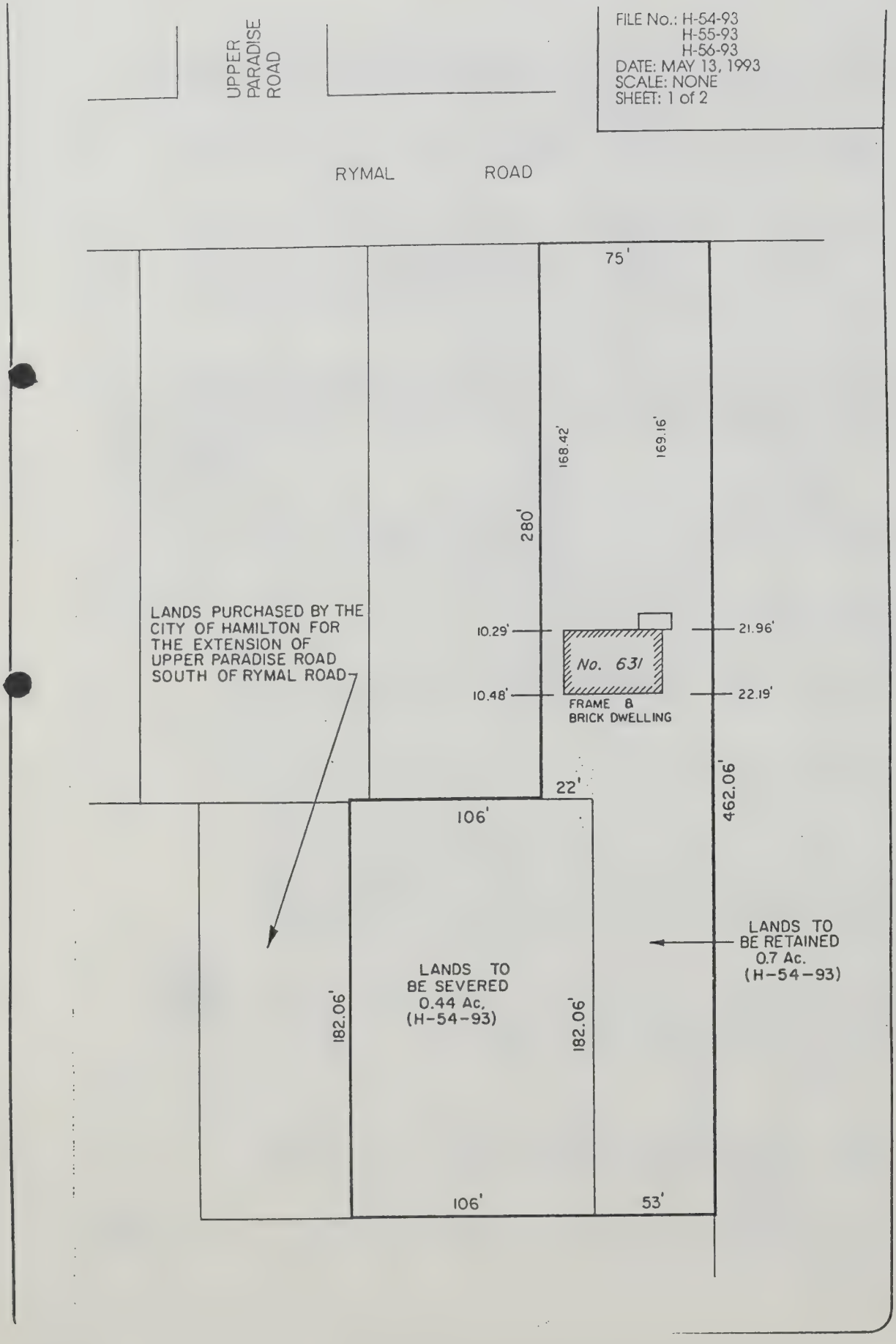
Legend

Change in zoning from "AA" (Agricultural) District to:

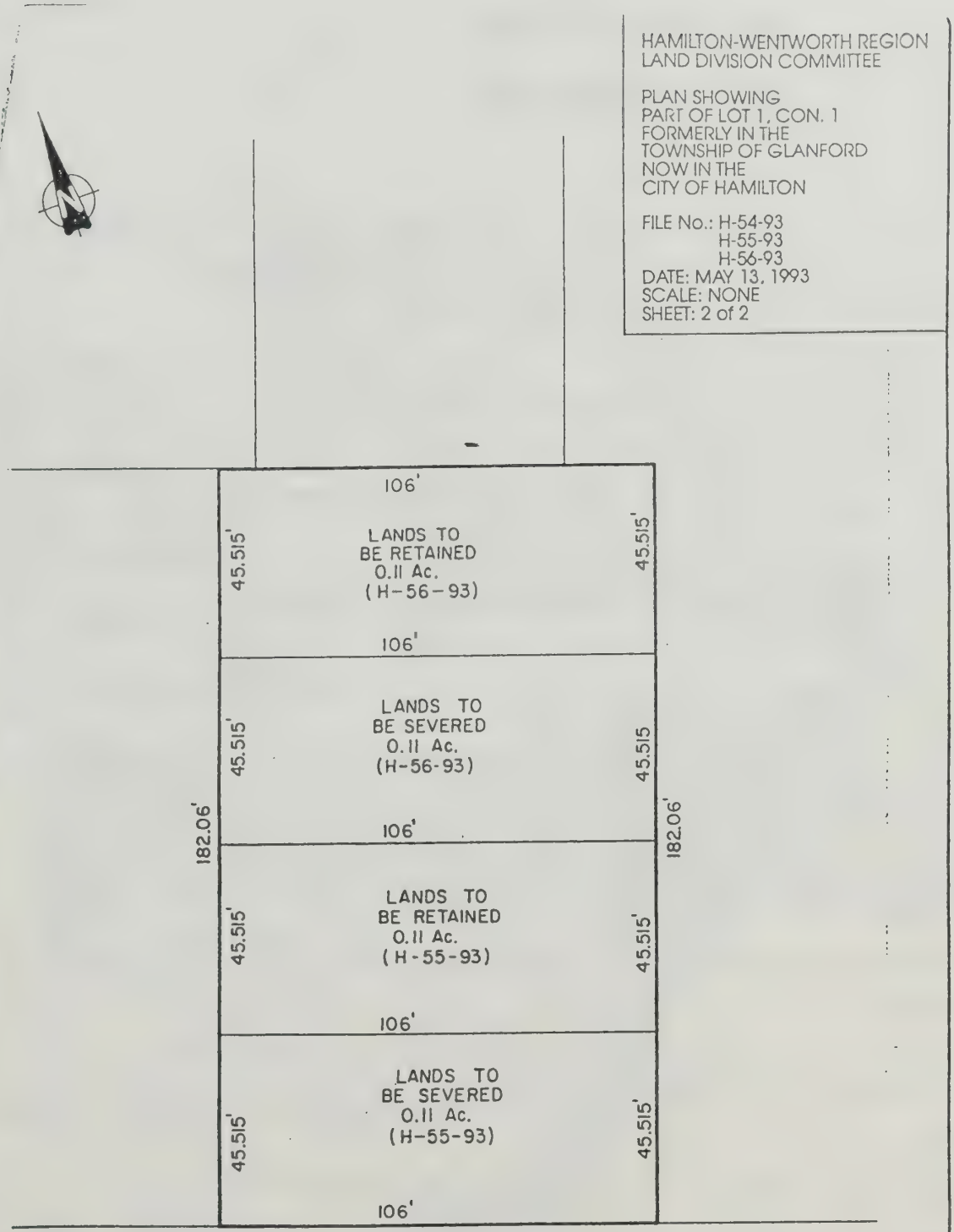
BLOCK 1 — "B" (Suburban Agriculture and Residential, etc.) District.

BLOCK 2 — "C" (Urban Protected Residential, etc.) District.

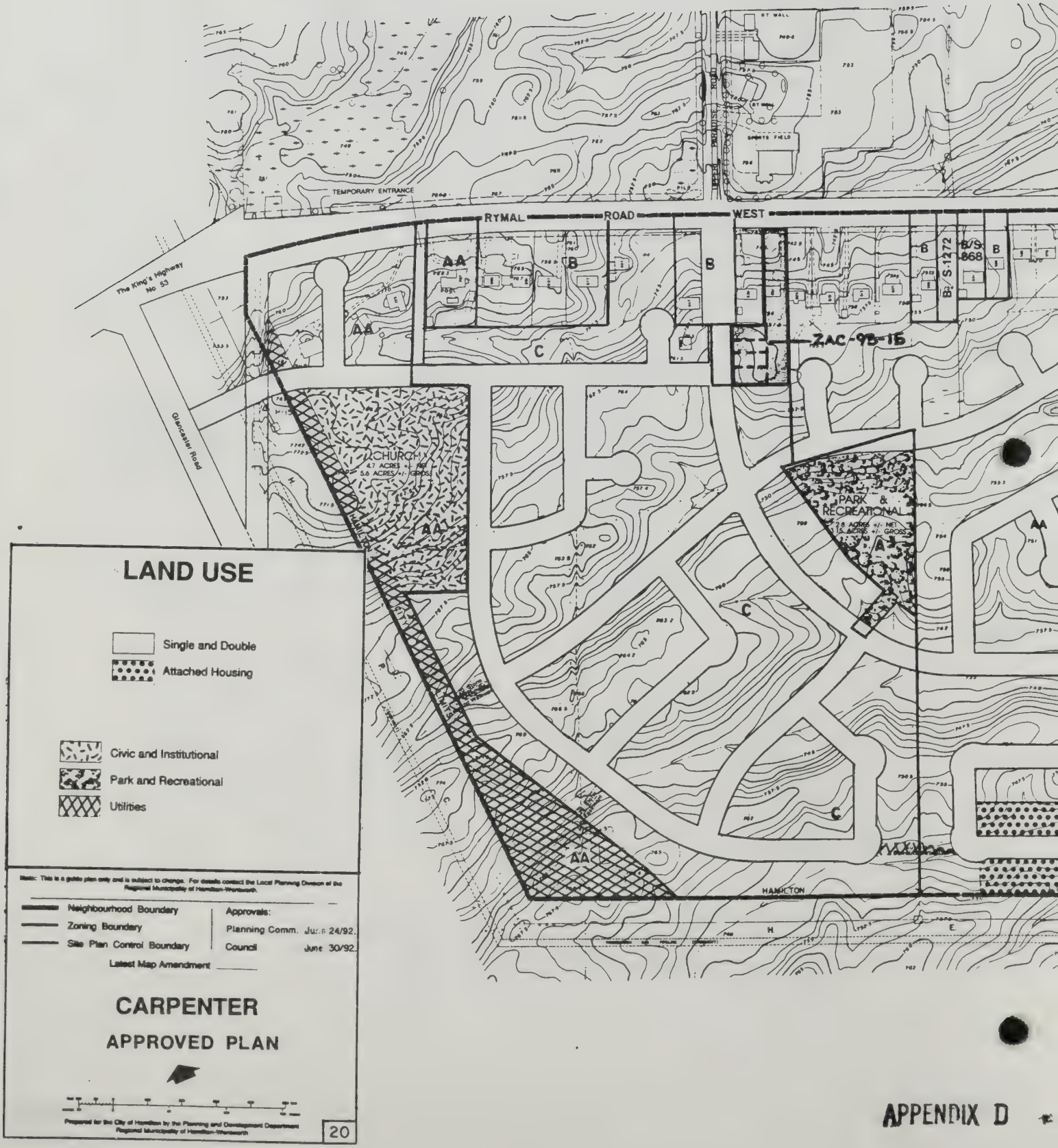
APPENDIX A


FILE No.: H-54-93
H-55-93
H-56-93
DATE: MAY 13, 1993
SCALE: NONE
SHEET: 1 of 2
UPPER PARADISE ROAD
RYMAL ROAD
75'
168.42'
169.16'
280'
LANDS PURCHASED BY THE CITY OF HAMILTON FOR THE EXTENSION OF UPPER PARADISE ROAD SOUTH OF RYMAL ROAD
10.29'
21.96'
No. 631
10.48'
22.19'
FRAME & BRICK DWELLING
22'
462.06'
106'
LANDS TO BE RETAINED 0.7 Ac. (H-54-93)
LANDS TO BE SEVERED 0.44 Ac. (H-54-93)
182.06'
182.06'
106'
53'

APPENDIX B


HAMILTON-WENTWORTH REGION
LAND DIVISION COMMITTEE
PLAN SHOWING
PART OF LOT 1, CON. 1
FORMERLY IN THE
TOWNSHIP OF GLANFORD
NOW IN THE
CITY OF HAMILTON
FILE No.: H-54-93
H-55-93
H-56-93
DATE: MAY 13, 1993
SCALE: NONE
SHEET: 2 of 2
106'
LANDS TO
BE RETAINED
0.11 Ac.
(H-56-93)
45.515'
45.515'
106'
LANDS TO
BE SEVERED
0.11 Ac.
(H-56-93)
45.515'
45.515
182.06'
182.06'
106'
LANDS TO
BE RETAINED
0.11 Ac.
(H-55-93)
45.515'
45.515'
106'
LANDS TO
BE SEVERED
0.11 Ac.
(H-55-93)
45.515'
45.515'
106'

APPENDIX C


TEMPORARY ENTRANCE
RYMAL ROAD WEST
The King's Highway No 53
Gunsalter Road
ZAC-95-15
B/S-1272
B/S 868
CHURCH
4.7 ACRES +/- NET
5.6 ACRES +/- GROSS
PARK & RECREATIONAL
7.9 ACRES +/- NET
15 ACRES +/- GROSS
HAMILTON
LAND USE
Single and Double
Attached Housing
Civic and Institutional
Park and Recreational
Utilities
Neighbourhood Boundary
Zoning Boundary
Site Plan Control Boundary
Latest Map Amendment
Approvals:
Planning Comm. June 24/92
Council June 30/92
CARPENTER
APPROVED PLAN
20

APPENDIX D

5.

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	July 12, 1993 ZA-93-12 Lawfield Neighbourhood
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee
FROM:	Mr. J. D. Thoms Commissioner of Planning and Development
SUBJECT:	Request for a change in zoning - lands at the northwest corner of Limeridge Road East and Upper Gage Avenue.

RECEIVED
JUL 13 1993
CITY CLERKS

RECOMMENDATION:

That approval be given to amended Zoning Application 93-12, Robert Leggat ,owner, requesting a change in zoning from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District modified, to permit a multiple dwelling (apartment building) not exceeding eight stories in height, for property located at the northwest corner of Limeridge Road East and Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District;

ii) That the "DE-2" (Multiple Dwellings) District regulations as contained in Section 10B of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

   a) That Section 10B(1)(v) of Zoning By-law No. 6593 shall not apply;

iii) That the amending By-law be added to Section 19 of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-38A and E-38B be notated S- ;

iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38A and E-38B for presentation to City Council; and

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District, for property located at the northwest corner of Limeridge Road East and Upper Gage Avenue, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit development of the subject lands for a multiple dwelling (apartment building) not exceeding eight stories in height.

In addition, the By-law provides for the following variance as a special requirement:

- to prohibit townhouse, street townhouse and maisonette development which is otherwise permitted in the "DE-2" (Multiple Dwellings) District (Section 10B(1)(v)).

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The purpose of the proposed change in zoning is to permit development of the subject lands for a multiple dwelling (apartment building) not exceeding eight stories in height.

- ZA-89-79

  At its meeting held on November 1, 1989, the Planning and Development Committee approved an Official Plan Amendment to redesignate the subject lands from "RESIDENTIAL" to "COMMERCIAL", and a Zoning Application (ZA-89-79) for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community

Shopping and Commercial) District, modified, to permit a funeral home and one accessory apartment on the site.

City Council, at its meeting held on November 14, 1989, adopted the recommendation of the Planning and Development Committee. On November 28, 1989, City Council passed By-law No. 89-340 to adopt Official Plan Amendment No. 82. On January 30, 1990, City Council passed By-law No. 90-24 to rezone the subject lands.

As a result of an objection filed against the decision of City Council to adopt Official Plan Amendment No. 82 and to pass By-law 90-24, an Ontario Municipal Board Hearing was held on November 26, 1991, at which time the appeal was allowed. Official Plan Amendment No. 82 was not approved and By-law 90-24 was repealed.

- ZA-88-19

At its meeting held on June 15, 1988, the Planning and Development Committee approved Zoning Application 88-19, for a change in zoning from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District for the subject property.

City Council, at its meeting held on June 28, 1988, adopted the recommendation of the Planning and Development Committee. On July 11, 1989, the applicant withdrew the application, prior to the passing of the amending By-law.

- ZA-87-07

At its meeting held on March 11, 1987, the Planning and Development Committee approved Zoning Application 87-07, for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District for the subject property. City Council, at its meeting on March 31, 1987, adopted the recommendation of the Planning and Development Committee. On February 29, 1988, the applicant withdrew the application prior to the passing of the amending By-law.

- ZA-86-50

At its meeting held on October 1, 1986, the Planning and Development Committee denied Zoning Application 86-50, for a change in zoning from "AA" (Agricultural District) to "HH" (Restricted Community Shopping and Commercial) District on the subject property for the following reasons:

i) the proposal conflicts with the intent of the approved Lawfield Neighbourhood Plan;

ii) there would appear to be an adequate supply of commercially designated land in the surrounding area; and,

iii) suitable access to the site cannot be maintained, in that once the East-West Freeway interchange is constructed, access to the subject lands from Upper Gage Avenue will be eliminated and Limeridge Road East will become a dead end street. As a result, future access to the proposed plaza will be via a local residential dead end street (Limeridge Road East) which is undesirable.

City Council, at its meeting held on October 14, 1986, adopted the recommendation of the Planning and Development Committee.

APPLICANT:

Robert Leggat, owner.

LOT SIZE AND AREA:

The subject property has:

- 80.45 m (264 feet) of lot frontage on Limeridge Road East;
- 53.34 m (175 feet) of lot frontage on Upper Gage Avenue; and,
- 4,219.98 m^2 (46,200 square feet) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"AA" (Agricultural) District
Surrounding Lands		
to the north	nursing home	"DE-2" (Multiple Dwellings) District, modified
to the south	vacant and townhouses	"AA" (Agricultural) District and "E-2" (Multiple Dwellings) District, modified
to the east	vacant	"AA" (Agricultural) District
to the east	single-family dwellings	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule A - Land Use Concept of the Official Plan, the following policies are applicable:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule 'A' as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.1.9 Council will encourage the design of RESIDENTIAL areas which complement the natural features of the area and utilize energy saving measures such as, but not limited to:

i) Building orientation;

iii) Retention of existing trees and other vegetation; and,

iv) Clustering of units.

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding area: and,

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;

vii) Encourage non-profit and co-operative housing organizations to provide a range of socially-assisted dwelling units for a variety of client types, in all areas of the City, at densities and scales compatible with the established development pattern; and,

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents.

C.7.13 Council will require the developer of proposed RESIDENTIAL development adjacent to the proposed East-West and North-South Transportation Facility to provide evidence that the noise levels in outdoor recreation space, after applying appropriate noise attenuation measures, is the lowest level practicable. RESIDENTIAL development will only be permitted where attenuated noise levels in outdoor recreational space do not exceed 70 dBA. Council will not seek attenuation requirements where noise levels are, or are expected to be, at or below 55 dBA."

According to the "Noise Impact Assessment Regarding Mountain East-West and North-South Transportation Corridor" study, noise levels are not expected to exceed 55dBA. Consequently, as noted above, attenuation measures will not be required.

Based on the above, the application complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "LOW DENSITY APARTMENTS" on the approved Lawfield Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no comments or objections.

- The Building Department has advised that:

  "No plans submitted to determine compliance with the provisions of Zoning By-law No. 6593."

- The Traffic Department has advised that:

  "The applicant should be aware that access to Upper Gage Avenue will be eliminated once the Mountain Freeway interchange is constructed. Access will be via Limeridge Road which will become a dead-end street. We therefore, recommend that the development plans provide for access at the westerly limits of the property on Limeridge Road."

- The Hamilton-Wentworth - Roads Department has advised that:

  "There are public watermains and separate storm and sanitary sewers available to service these lands.

  The Region previously acquired the required road allowance widenings on Upper Gage Avenue and lands required for the Freeway interchange purposes shown as Part 18 on Reference Plan 62R-11687 by Instrument No. 121882. Therefore, we do not anticipate any further road allowance widenings at this time.

  Access to this site will only be permitted on Limeridge Road at the west limit of the subject lands. Limeridge Road, west of Upper Gage Avenue will be closed upon completion of the Freeway interchange. As a result of these roadway changes, access to the subject lands will be indirect. Traffic from the external neighbourhoods will be required to use Limeridge Road at Upper Sherman Avenue or the intersections of Edwina Drive and Upper Gage Avenue and Lockton Crescent and Upper Gage Avenue, north of the Freeway.

  We recommend that the subject lands be developed through site plan control at which time we will provide specific comments on grading, access, sightlines, etc."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the intent of the approved Lawfield Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   i) it complies with the intent of the Official Plan which designates the land "RESIDENTIAL" and would not conflict with the intent of the approved LAWFIELD NEIGHBOURHOOD Plan which proposes "LOW DENSITY APARTMENTS";

   ii) City Council is on record of supporting an identical zoning application (ZA-88-19) providing for a change in zoning to "DE-2";

   iii) it is ideally situated on the periphery of the neighbourhood at the future interchange of Upper Gage Avenue and the proposed Mountain Freeway where higher density development is encouraged;

   iv) an apartment building would be compatible with the existing nursing home located immediately to the north, townhousing development to the south and east, as well as proposed low density apartment development to the west; and

   v) the site is in close proximity to shopping and community facilities and is situated on a public transit route.

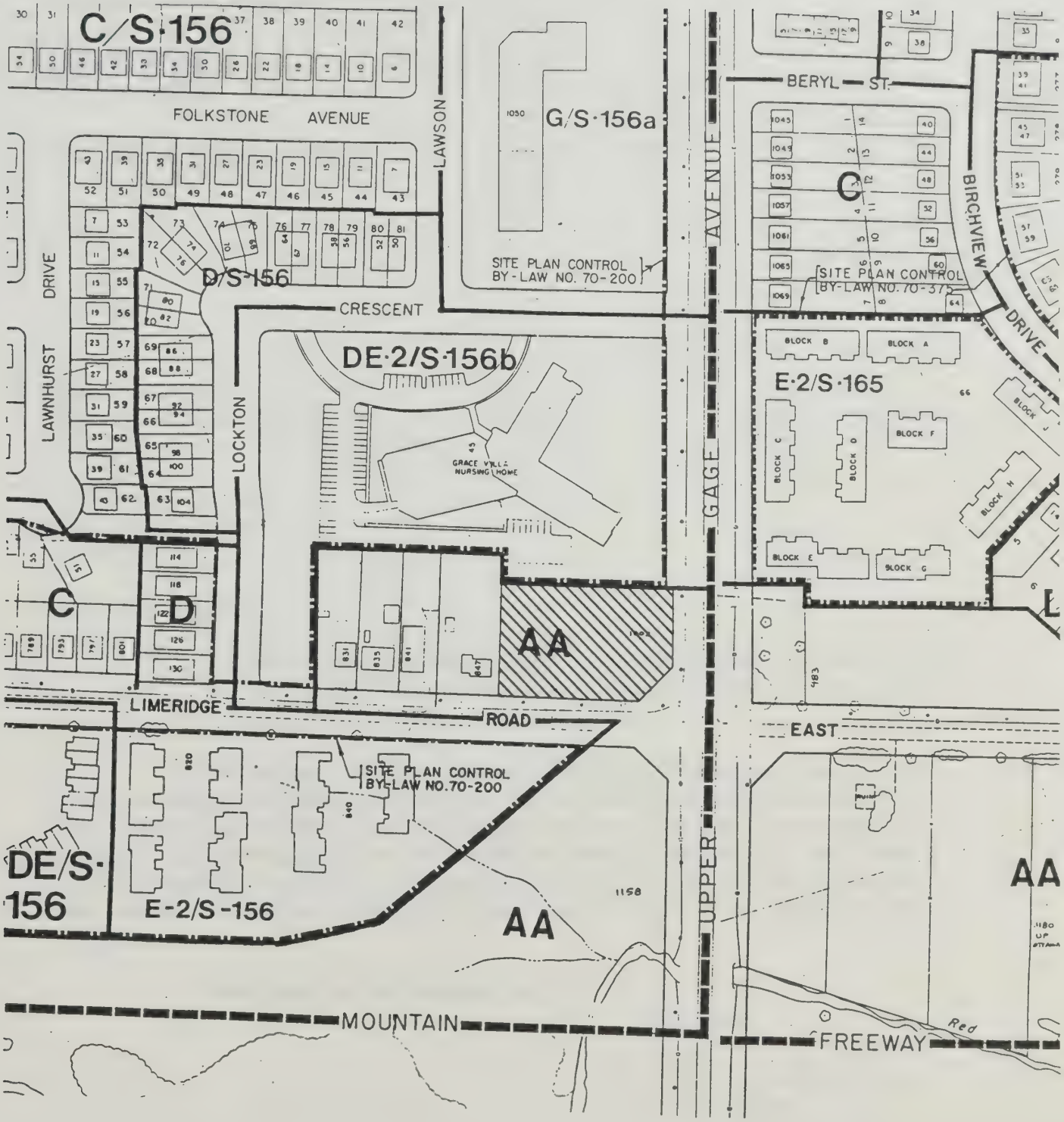
4. With regard to the requested "DE-2" District zoning, it is noted that the Planning and Development Committee at its meeting held on June 23, 1993, adopted a recommendation to delete townhouses, street townhouses and maisonettes as permitted uses in, among other multiple dwelling districts, the "DE-2" District (File CI-93-A). In this case, the intended use is for a multiple dwelling (apartment) not townhouses, street townhouses or maisonettes. To-date, the amending By-law has not received final approval. Therefore, it would be appropriate to modify the "DE-2" District regulations in the amending By-law to prohibit townhouses, street townhouses and maisonettes on the subject lands.

5. Development of the lands within the "DE-2" District is subject to Site Plan Control By-law No. 79-275 as amended by By-law 87-223. In this regard, matters related to parking, landscaping, grading, access, etc. can be further reviewed at the site plan stage of development.

6. The applicant should be aware that access to Upper Gage Avenue has been eliminated by the acquisition of lands by the Region for road widenings and lands for the Mountain Freeway interchange. Access will be via the local street (Limeridge Road East) which will become a dead-end street.

CONCLUSION:

On the basis of the foregoing, the proposal can be supported.
GAW/WPZA9312



Legend

Site of the Application

ZAC-93-12

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 JULY 6

ZA-93-12.

5(a)

GARROD
HODGSON

Environmental, Municipal & Planning Law

Stephen Garrod
Anja Nurvo
Peter Pickfield
Scott Snider

Douglas Hodgson
Helen Pelton
Manfred Rudolph
Herman Turkstra

15 Bold Street
Hamilton, Ontario
L8P 1T3

July 2, 1993

Ms. Tina Agnello
Secretary of Planning and Development Committee
City of Hamilton Clerks Department
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

RECEIVED
JUL 07 1993
CITY CLERKS

Dear Ms. Agnello:

Re: Application of Robert Legget for change in zoning of lands located at the North West Corner of Limeridge Road East and Upper Gage
Our File No. 11779

We represent Norbert Schuller and APANS Health Services and the owners of the property known as the Grace Villa Nursing Home immediately to the North of the lands for which the zoning application has been filed. Our clients are opposed to the rezoning application and will be making a submission to the Planning and Development Committee on Wednesday July 21, 1993. Would you please ensure that we are provided with copies of all reports and other documents relating to this matter.

Thank you for your cooperation.

Yours truly,

Herman Turkstra
Voice Mail: 416 523-1387
Reception: 416 529-3476
Facsimile: 416 529-3663

HT:mp
cc. Mr. Norbert Schuller
11779\3

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 14, 1993
CI-91-H

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Review of Parking Lot Regulations and Design Standards.

RECOMMENDATION:

1. That approval be given to City Initiative CI-91-H to provide for a general text amendment to Zoning By-law No. 6593, by introducing new regulations for public parking lots respecting front yard setback and landscaping requirements on the following basis:

   i) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, be amended as follows:

      a) That Section 13C.(1)(iii) be amended by adding the words "notwithstanding clauses 2. (2) J. (xb) and 2. (2) J. (xxvi)," at the beginning of said clause;

      b) That Section 13C.(3) be deleted in its entirety and replaced with a new Section, as follows:

         AREA REQUIREMENTS

         (3) The following yards shall be provided within the district and maintained as appurtenant to every building in a G-3 district:-

            (i) Where a front yard is required for any lot on the same side of the street between two intersecting streets, a front yard of a depth at least as great as that required for any such lot, but in no case of a depth of less than 3.0 metres (9.84').

c) That Sections 13C.(4) and (5) be deleted in their entirety and replaced with a new Section 13C.(4), as follows:

LANDSCAPING, PAVING, AND LIGHTING REQUIREMENTS

(4) (i) A landscaped area of not less than 3.0 metres (9.84') in width shall be provided and maintained along any highway and public right-of-way, except for the area used for access driveways;

(ii) An area landscaped with a planting strip of not less than 1.5 metres (4.92') in width shall be provided and maintained along and within every side lot line and rear lot line that abuts a residential district or use;

(iii) A visual barrier not less than 1.2 metres (3.94') and not more than 2.0 metres (6.56') in height shall be provided and maintained along every side lot line and rear lot line of a public parking lot which adjoins a residential district or use, except that no visual barrier shall be situated less than 3.0 metres (9.84') in distance from a front lot line;

(iv) All open areas, except areas required to be landscaped, shall be paved with asphalt or concrete, and so graded or drained as to ensure that surface water will not escape to neighbouring lands;

(v) Every lighting facility shall be so designed, installed and maintained as to ensure that the light is deflected away from all lands designated for residential uses, and any lighting of signs shall similarly be so deflected.

ii) That Section 18A PARKING AND LOADING REQUIREMENTS of Zoning By-law No. 6593, be amended by adding a new Section 18A. (40), as follows:

18A.(40) Every public parking lot shall be subject to the provisions of Section 13C.

iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 for presentation to City Council;

iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

2. That the Licensing Division of the City Clerks Department be directed to hold in abeyance the issuance of a "Garage D" licence for new parking lot development, until there has been confirmation that the applicant has applied for and received Site Plan Approval, where required.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for a general text amendment to Zoning By-law No. 6593, by introducing new regulations for public parking lots respecting front yard setback and landscaping requirements.

The effect of the by-law is to establish the following new regulations for all public parking lots:

- A minimum front yard equivalent to the front yard required for an adjacent residential district, but in no case less than 3.0 m; and,

- A minimum 3.0 m wide landscaped area required along any highway or public right-of-way (except for access driveways).

In addition, the existing regulations applicable only to public parking lots within the "G-3" (Public Parking Lots) District, would be expanded to all public parking lots regardless of zoning district, and, the buffering requirements which apply to public parking lots adjacent to residential districts would be expanded to public parking lots adjacent to residential uses. In this regard, the following regulations would also apply to all public parking lots:

- A minimum 1.5 m wide planting strip required along every side lot line and rear lot line of a public parking lot that abuts a residential use or district;

- A minimum 1.2 m to 2.0 m high visual barrier required along every side lot line and rear lot line of a public parking lot that adjoins a residential use or district (except no visual barrier shall be located less than 3.0 m from a front lot line);

- All areas (except required landscaping) are required to be paved with asphalt or concrete, and graded or drained to ensure that water will not escape to neighbouring lands; and,

- All lighting facilities shall be so designed, installed and maintained to ensure that the light is deflected away from residential uses and districts, and any lighting of signs shall be similarly deflected.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Downtown Action Plan Co-ordinating Committee requested the Planning Department to review the Zoning By-law and Licensing Guidelines pertaining to downtown parking lots. The Committee is concerned about temporary parking lots occurring in the downtown core with no control over buffering or regard for aesthetics.

Previous Meeting

At the meeting of May 5, 1993 the Planning and Development Committee authorized a public meeting to be held July 21, 1993 to consider the proposed changes to Zoning By-law No. 6593, respecting landscape requirements for public parking lots.

PROBLEMS:

Attached are photographs (i.e. Pictures #1 to #6) illustrating some of the typical problems that can arise when there is no control over buffering and regard for aesthetics for parking lots.

We can observe parking lots that cover an entire city block with no landscaping and/or streetscape adjacent to the street. This typically results in large expanses of uninterrupted gravel and asphalt, adjacent to residential and/or commercial uses.

Parking lots located adjacent to single-family or multiple residential uses typically have a distance separation along their boundaries, but no landscape treatment (i.e. trees, shrubs, benches, paving patterns, fencing, etc.) adjacent to the residential use and/or the street.

Parking lots with little or no distance separation between the sidewalk and parked vehicles promote encroachment into the road allowance and, in some instances, infringe upon pedestrian movement along the sidewalk. Furthermore, there is little area available for enhancement of the parking lot and streetscape.

The number of parking lots in the downtown will increase due to the need for a source of revenue while awaiting redevelopment. In the mean time the problems associated with parking lots will become more noticeable. Typically, with little or no control over buffering and regard for aesthetics, parking lots will be visually obtrusive, create a negative impact on adjoining lands, and by and large alter the physical character of the established downtown core.

CITY OF HAMILTON POLICY AND REGULATIONS:

i) Official Plan

The City of Hamilton Official Plan recognizes the importance of public and private parking facilities and states in Subsection B.3.3:

" 3.3.4 Council will require that, in all normal circumstances, a high standard will be maintained in accordance with current design practices for PARKING and Loading facilities.

3.3.6 Where necessary and feasible, off-street PARKING, driveways and/or loading areas adjacent to Residential Uses will be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment. All Parking areas will be suitably surfaced to resist degradation from the elements or use and, where deemed appropriate, be illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land uses served thereby."

The Official Plan provides direction regarding parking lot design. In this regard, actions to improve the quality of parking lot environments, provide mitigating measurers and specify landscape requirements can be implemented.

ii) Zoning Regulations

Public Parking lots are permitted in the following zoning districts:

- "G" (Neighbourhood Shopping Centre, etc.) District
- "G-1" (Designed Shopping Centre) District
- "G-2" (Regional Shopping Centres) District
- "G-3" (Public Parking Lots) District
- "H" (Community Shopping and Commercial, etc.) District
- "HH" (Restricted Community Shopping and Commercial etc.) District
- "I" (Central Business) District
- "HI" (Civic Centre Protected) District
- "CR-1" (Commercial-Residential) District

- "CR-2" (Commercial Residential) District
- "CR-3" (Commercial Residential) District
- "J" (Light and Limited Heavy Industry, etc.) District
- "K" (Heavy Industry) District
- "JJ" (Restricted Light Industrial District)
- "KK" (Restricted Heavy Industrial District)

The above-mentioned zoning districts all permit "public parking lots". In addition, landscape requirements are applied on the following basis:

- "G-3" (Public Parking Lots) Districts

  A minimum front yard depth equivalent to an adjoining residential district on that part of the public parking lot which is distant 12.0 m or more from an adjacent commercial district.

  A minimum 1.5 m setback from any residential building in an adjacent residential district, for a side or rear yard. Furthermore, there shall be provided between the boundary of the parking lot and the residential district, an area landscaped with a planting strip.

  A 1.2 - 2.0 m high visual barrier along a side or rear lot line that adjoins a residential district, except within 3.0 m of a front lot line.

- Other Zoning Districts

  Section 18A of the Zoning By-law has regulations that require buffering to mitigate the potential negative spill over effects (e.g. noise, headlight glare) of parking areas/lots when they abut a "residential district" as follows:

  Where five (5) or more parking spaces are provided for residential, institutional, public or commercial use on a lot adjoining a residential district, a minimum 1.5 m landscape area with a planting strip and a visual barrier 1.2 - 2.0 m high is to be provided and maintained between the boundary of the parking/loading area and the adjoining residential district.

Currently, any By-law regulations that do exist are intended to mitigate the potential negative spill over effects (e.g. noise, headlight glare) of parking areas/lots only when they abut a "residential district". Parking lots that are established in the downtown core typically abut "commercial districts", therefore the above-mentioned regulations for buffering and landscaping are generally not applicable.

iii) Site Plan Control

Parking lots proposed within the "Central Area" (lands bounded by Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue) are subject to Site Plan Control, as per By-law 90-285, regardless of their zoning district. Previously, only parking lots that were proposed within zoning districts regulated under By-law No. 79-275 (i.e."G", "G-1", "G-2", "G-3", "HH", "HI", "CR-1", "CR-2", "CR-3") and areas designated by way of a special by-law were subject to Site Plan Control.

iv) Parking Lot Licensing

The Licencing Division of the City Clerk's Department has advised that all parking lot proprietors require a "Garage D" licence in order to operate a lot and they must renew their licence on a yearly basis. The Licensing By-law only contains provisions respecting physical matters (e.g. lighting, barriers, signage, etc.) for parking lots, not "landscaping".

The application for a "Garage D" licence is only made when a new lot is being established or when there has been a change in ownership noted at the time of renewal.

When a parking lot licence is applied for in a zoning district that permits the use, the applicant is made aware that they are subject to the requirements of Zoning By-Law 6593, Property Standards By-law 74-74, and any other additional requirements (i.e. Site Plan Approval). The licence is then issued following approval by the City of Hamilton Licensing Committee.

Once the licence has been issued, the City Clerks Department relies upon the Building Department for compliance to the Hamilton Zoning By-law regulations for parking lots.

The Building Department has advised that parking lots may go unchecked with respect to compliance to the Hamilton Zoning By-law, since they do not normally require a building permit to be developed. They would only require a permit if the kiosk structure exceeds 9.29 m^2 in area, which in most instances is not the case.

Invariably, parking lots are established without the benefit of Site Plan Approval and compliance in the past has generally been dealt with on a complaint basis.

INFORMATION OBTAINED FROM OTHER MUNICIPALITIES:

Ten (10) municipalities were circularized for information regarding parking lot regulations within their Zoning By-law (see Table 1).

Summary of Table 1

1. Six (6) of the ten (10) municipalities surveyed have specific regulations within their Zoning By-law pertaining to parking lots (i.e. number of required spaces, width of aisles and access driveways, parking space dimensions).

2. Four (4) of the ten (10) municipalities surveyed have setback requirements which limit the extent of paved area in relation to adjacent uses and road right-of-ways. The minimum distance separation from a road right-of-way is 0.9 m and the maximum is 3.0 m.

3. Three (3) of the ten (10) municipalities surveyed have landscape planting strip requirements, ranging from 3.0 m minimum in width to a maximum 9.0 m width, which buffer/screen the parking lots from adjacent uses and/or road right-of-ways (i.e. Brampton, Burlington, Ottawa).

4. All ten (10) of the municipalities surveyed regulate parking lots under Section 40 of the Planning Act (i.e. Site Plan Control).

In conclusion, half of the cities surveyed have regulations within their zoning by-law pertaining to parking lots (i.e. setbacks and landscape requirements). Furthermore, as a minimum design standard for parking lots, a landscaped planting strip which varies in width from 0.9 m to 9.0 m, but is typically 3.0 meters (10 feet) in width, is required where a parking lot abuts a road right-of-way.

SUBMISSIONS:

Following the Planning and Development Committee meeting of May 5, 1993, all parking lot operators issued a Garage "D" licence (i.e. thirty-four [34]) were sent a copy of the draft report regarding "Parking Lot Regulations and Design Standards" to obtain input on the proposed new regulations. To date, a total of five (5) responses have been received (see attached).

Generally, the operators support the goals of the study and proposed regulations. However, they have expressed the following concerns:

- minimum 3.0 m planting strip seems excessive for reasons of economics and maintenance;
- requirements not be applied retroactively; and
- current requirements are adequate.

With respect to the concern that the minimum 3.0 landscape requirement may be excessive, depending on site contraints, the owner/operator would have the option of appling to either the Committee of Adjustment for a variance or City Council for a zoning modification to obtain relief.

In this regard, each application could be evaluated on its own merits on a site by site basis. Furthermore, any proposals to reduce the minimum requirement(s) could be considered under the Site Plan process.

With respect to the application/enforcement of the by-law, the Building Department has advised that the requirements would not be applied retroactively. However, should the owner/operator make any alterations to a site then the requirements would be applied.

COMMENTS:

The existing regulations associated with the "G-3" (Public Parking Lots) District and Section 18A (Parking and Loading Requirements) of the Zoning By-law are intended to mitigate negative spill-over effects (i.e. noise, headlight glare) of parking lots only when they adjoin a "residential district". No provision is made in the Zoning By-law for setbacks and/or landscaping for parking lots proposed in the remaining "commercial districts", such as the Central Area.

From an urban design perspective, the principle of requiring setbacks and landscape treatment for parking lots within the downtown core, has merit. Potentially, such requirements could provide a significant aesthetic benefit with respect to streetscape enhancement, beautification, and ensure safety along our highways and public right-of-ways (i.e. roads). The attached pictures #7 to #12 in comparison to pictures #1 to #6 reveal the benefit of setbacks and landscaped planting strips next to a highway and public right-of-way.

Accordingly, it would be appropriate to introduce regulations for parking lots, when they are located in a commercial district, abut a highway and/or public right-of-way, and adjoin a residential district or use (see attached illustrations).

Thus, the following is recommended regarding the regulation of parking lots:

1. That Section 13C - "G-3" (Public Parking Lots) District, be amended as follows:

   a) <u>Signs</u>

      That Section 13C. (1) (iii) be amended by adding the words "notwithstanding subclauses 2. (2) J. (xb) and 2. (2) J. (xxvi)," at the beginning of said subclause.

      This will allow the information and directional signs currently permitted to be located within the proposed 3.0 m landscape area along a highway and public right-of-way.

b) Front Yard

That Section 13C. (3) be deleted in its entirety and replaced with a new section, as follows:

AREA REQUIREMENTS

(3) The following yards shall be provided within the district, and maintained as appurtenant to every building in a G-3 district:-

(i) Where a front yard is required for any lot on the same side of the street between two intersecting streets, a front yard of a depth at least as great as that required for any such lot, but in no case of a depth of less than 3.0 metres (9.84').

This amendment clarifies and maintains the existing front yard requirement for a public parking lot that is proposed adjacent to a residential district or use, and adds a new provision to require a minimum 3.0 m front yard depth regardless of the adjacent use.

c) Landscaping, Paving, and Lighting

That Section 13C. (4) and (5) be deleted in their entirety and replaced with a new Section 13C. (4), as follows:

LANDSCAPING, PAVING, AND LIGHTING REQUIREMENTS

(4) (i) A landscaped area of not less than 3.0 metres (9.84') in width shall be provided and maintained along any highway and public right-of-way, except for the area used for access driveways; (new requirement)

(ii) An area landscaped with a planting strip of not less than 1.5 metres (4.92') in width shall be provided and maintained along and within every side lot line and rear lot line that abuts a residential district or use; (existing requirement)

(iii) A visual barrier not less than 1.2 metres (3.94') and not more than 2.0 metres (6.56') in height shall be provided and maintained along every side lot line, and rear lot line of a public parking lot which adjoins a residential district and use, except that no visual barrier shall be situated less than 3.0 metres (9.84') in distance from a front lot line; (existing requirement)

(iv) All open areas except areas required to be landscaped shall be paved with asphalt or concrete, and so graded or drained as to ensure that surface water will not escape to neighbouring lands; (existing requirement)

(v) Every lighting facility shall be so designed, installed and maintained as to ensure that the light is deflected away from all

(v) Every lighting facility shall be so designed, installed and maintained as to ensure that the light is deflected away from all lands designated for residential uses, and any lighting of signs shall similarly be so deflected. (existing requirement)

2. That a new section be add to Section 18A of Zoning By-law No. 6593, as follows:

18A. (40) Every public parking lot shall be subject to the provisions of Section 13C.

Public parking lots are permitted as-of-right in several zoning districts. Accordingly, it would be appropriate to introduce a new provision within Section 18A of the zoning by-law to simplify interpretation and standardize requirements pertaining to public parking lots.

With the exception of item 4 (i), the foregoing regulations are in keeping with existing "G-3" (Public Parking Lots) Districts regulations and have been generally applied for site specific amendments for a public parking lot.

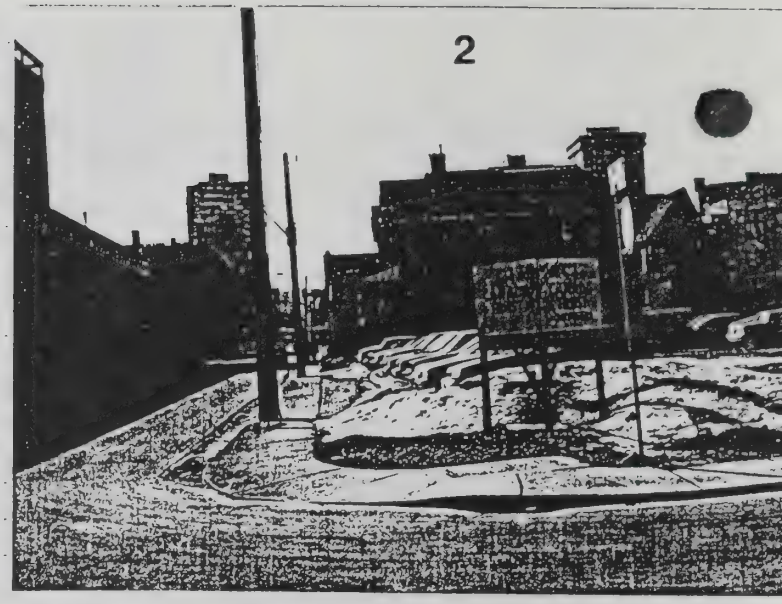
In addition, it is recommended that the Licensing Division of the City Clerks Department be directed to hold in abeyance the issuance of a "Garage D" licence, until there has been confirmation that the applicant has applied for and received Site Plan Approval, where required.

CONCLUSION:

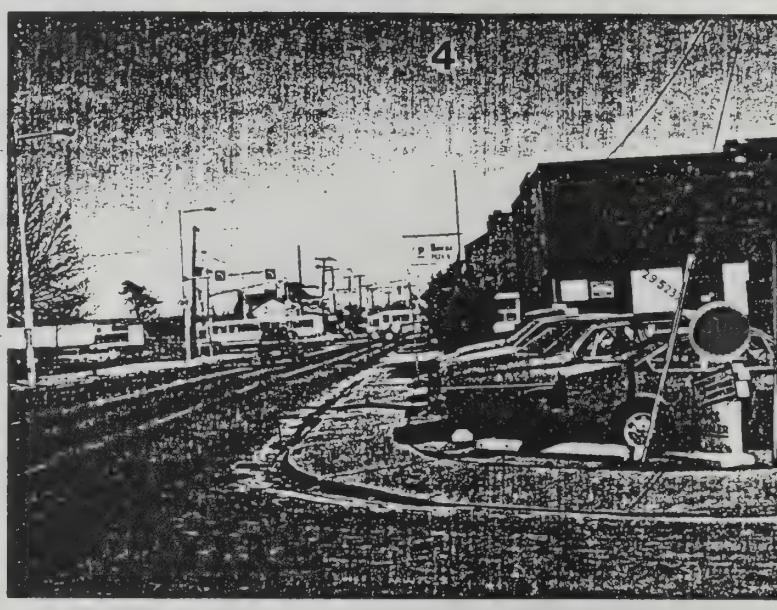
Based on the foregoing, the above-mentioned recommendations should be adopted.

jl/JL
CI91H




2


PARK
HERE

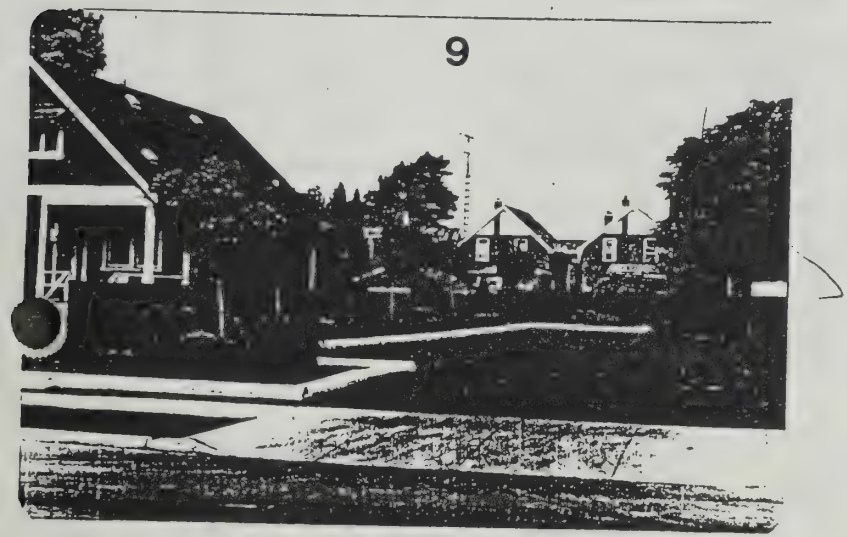

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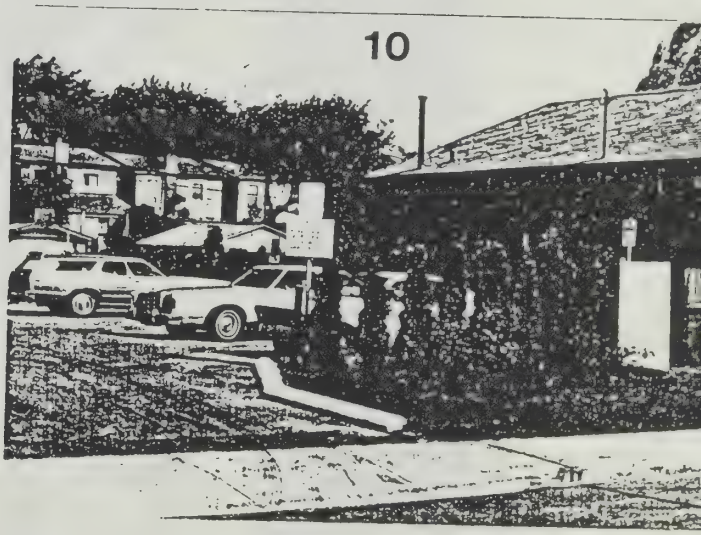

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PARKING

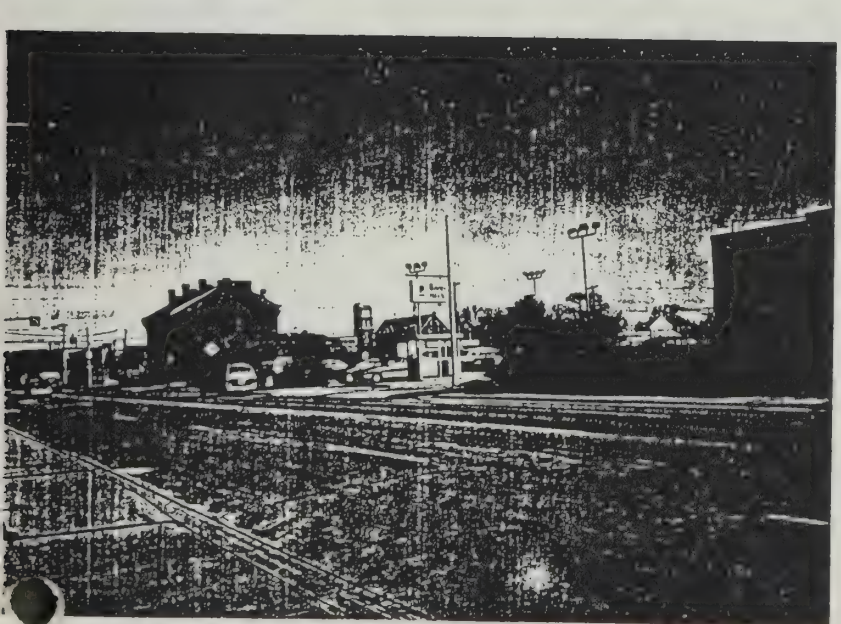

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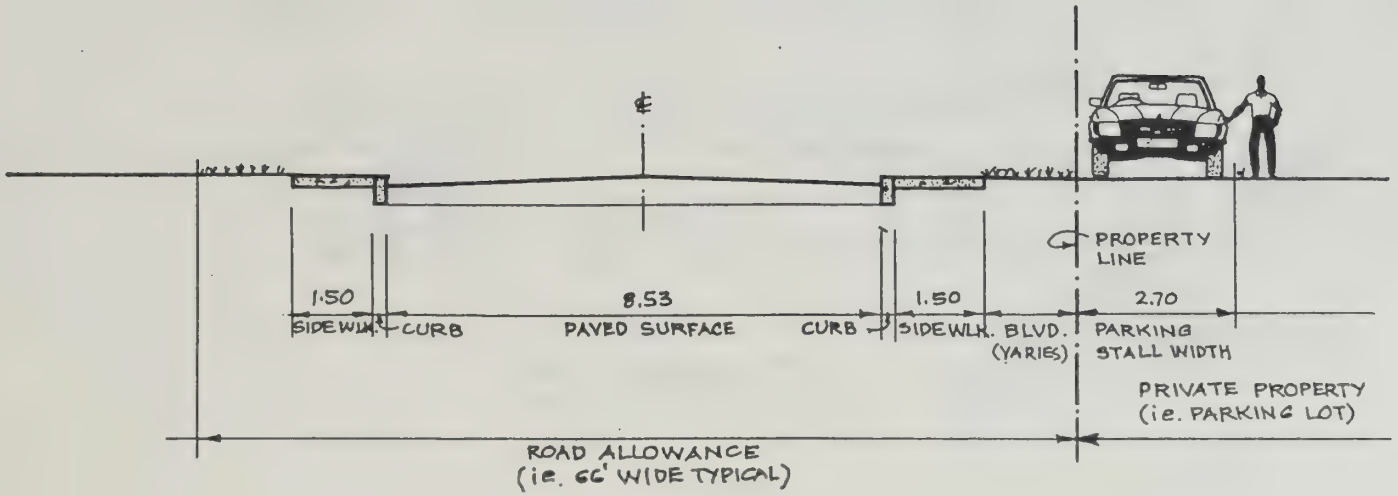

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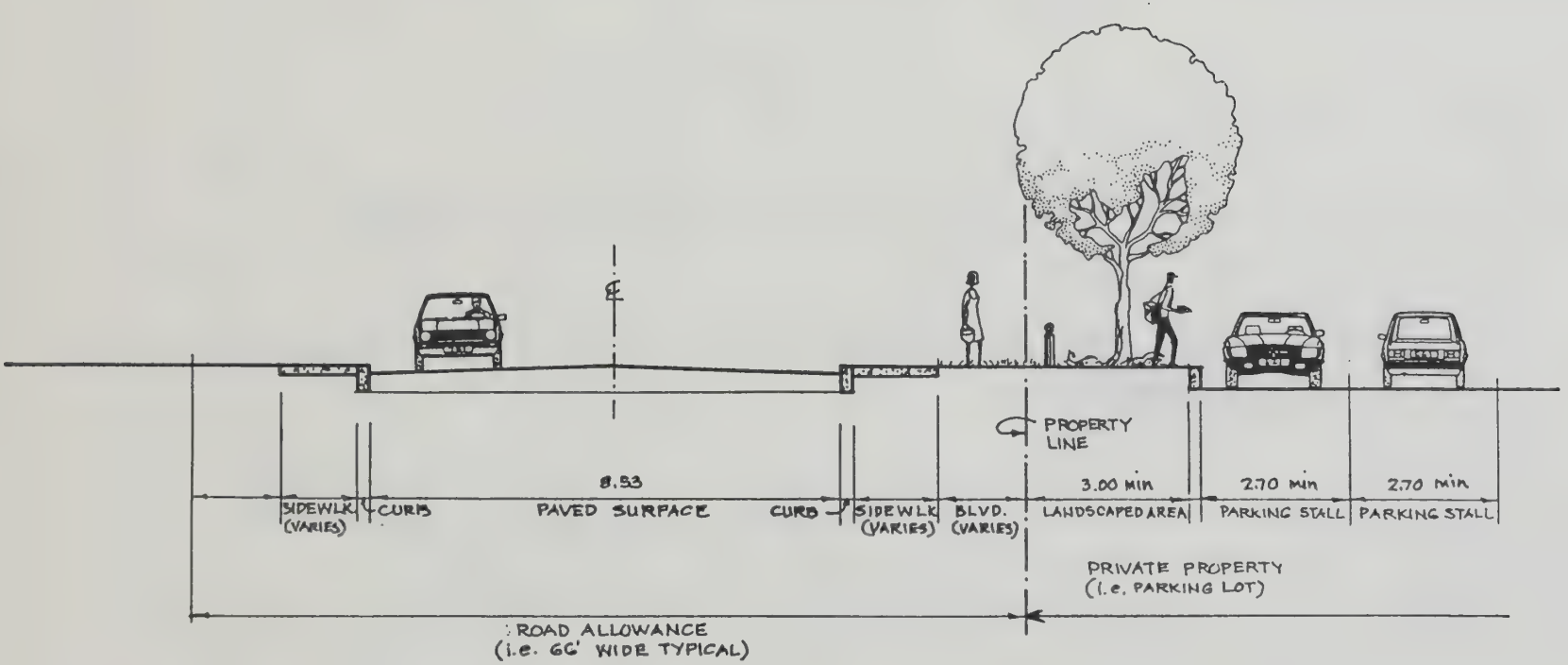
Table 1 - Summary of Regulations pertaining to parking lots from other municipalities

Municipality	Specific Regulations with their Zoning By-law	Setback Requirements	Landscape Requirements	Regulated under Section 40 of Planning Act
Brampton	No	3 m - from road right-of-way,	3 m to be landscaped	Yes
Milton	Yes	0.9 m - from road right-of-way 3.0 m from Residential 1.5 m every other side lot line	Yes, depends on zone. Site and Landscape Plan required.	Yes
London	Yes	3 m from right-of-way. 1.5 m from any other property line, except where joint or continuous.	Yes, in the form of Design Guidelines.	Yes
Oakville	Yes	No specific setback dimension but must be screened from street and adjacent premises.	Yes, parking are must be screened by landscaping next to residential.	Yes
Cambridge	Yes	3 m from road right-of-way	Yes, if under Site Plan Control Landscape Plan required.	Yes, if a structure proposed over 100 S.F.
Burlington	Yes	none	9 m from road right-of-way, to 3 m min. depending on street width	Yes
Ottawa	Yes	none	4 m from any boundary	Yes
Scarborough	none	No specific setbacks adjust to situation, Site Plan Control	Site Plan and Landscape Plan required.	Yes
Etobicoke	none	none	Determined under Development Control, site specific	Yes
North York	Yes	none	none	Yes



TYPICAL CROSS-SECTION- 1
(EXISTING SITUATION)

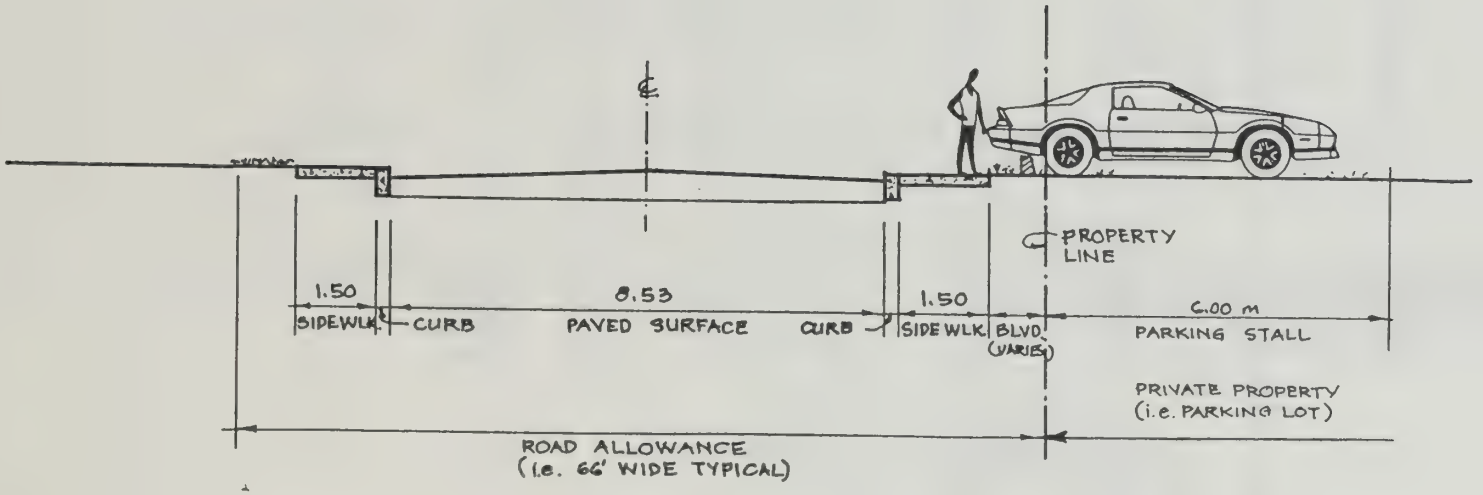
- ILLUSTRATES PHOTO # 5 & # 6
  NO LANDSCAPING/ BUFFER
  NEXT TO ROAD ALLOWANCE



TYPICAL CROSS-SECTION - 3
(PROPOSED SITUATION)

- ILLUSTRATES # 11 & # 12
  3.0 MIN LANDSCAPE AREA
  NEXT TO ROAD ALLOWANCE

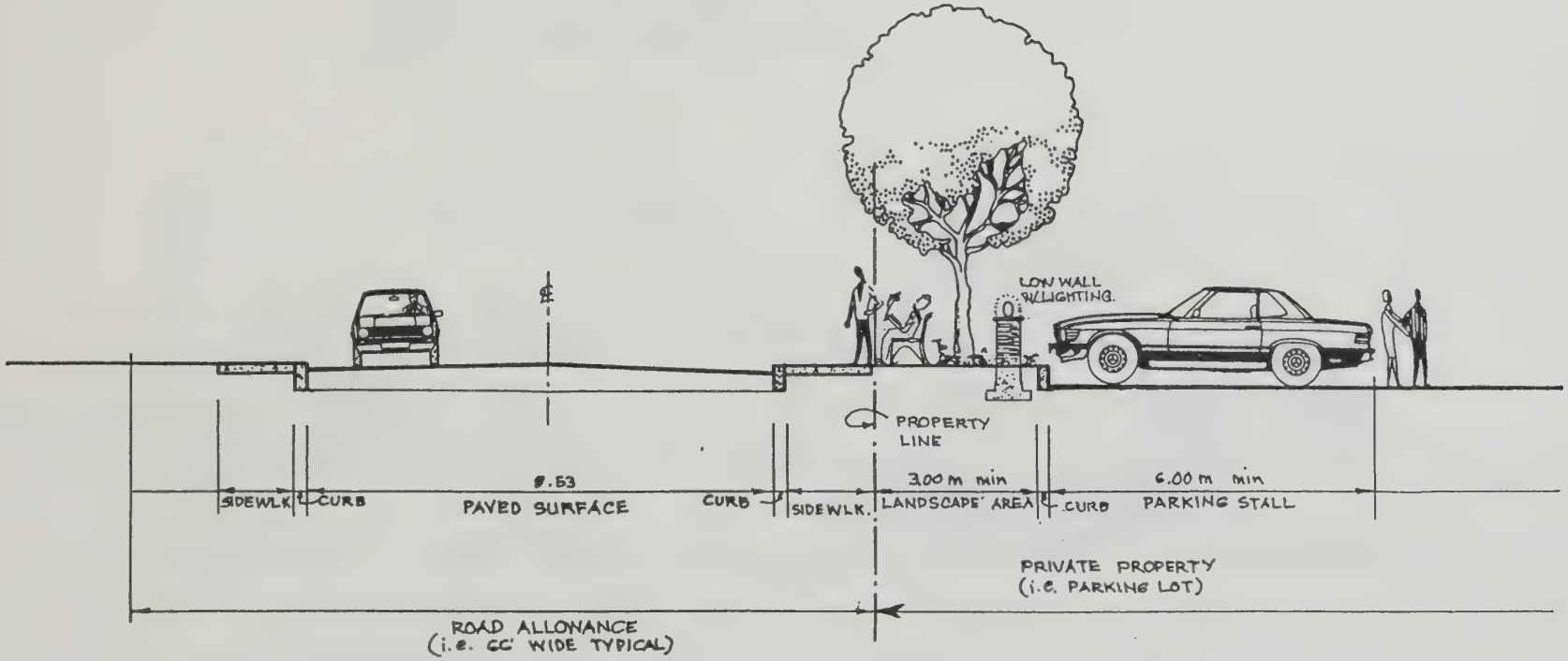
B



TYPICAL CROSS-SECTION - 2
(EXISTING SITUATION)

- ILLUSTRATES PHOTO # 4 ENCROACHMENT INTO ROAD ALLOWANCE

C



TYPICAL CROSS-SECTION-4
(PROPOSED SITUATION)

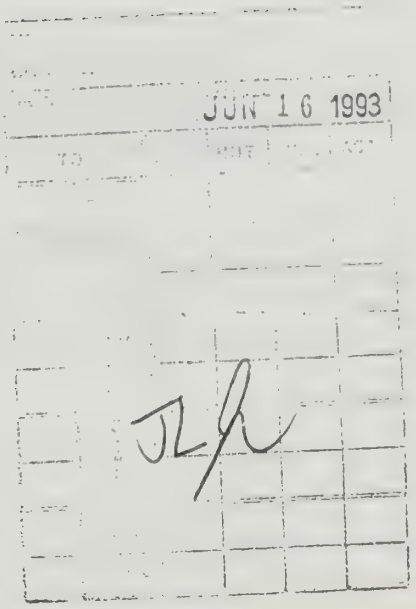
- ILLUSTRATES PHOTO #7 & #8
3.0 MIN. LANDSCAPED AREA NEXT NEXT TO ROAD ALLOWANCE (i.e. TREES, SHRUBS, PAVING, BENCH SEATING & LOW WALL WITH LIGHTING.

Chambers & Company

Realtor: Est. 1911
Union Gas Building
P.O. Box 895 - Stn. A., Hamilton, Ont.
Telephone: (416) 525-5991

Limited
20 Hughson St. South
L8N 3P6
Telefax: (416) 521-8981

June 15, 1993



The Regional Municipality of Hamilton Wentworth
Planning and Development Department
71 Main St. West
Hamilton, ON
L8N 3T4

Attention: Mr. J. Lakatos

Dear Sir:

Re: Review of Parking Lot Regulations and Design Standards

We have reviewed the above report and offer the following comments:

1. In central business district locations (usually I zone) a 3m planting strip seems to be excessive for reasons of economics and maintenance.

   The scale of area development and the frequent economic need to shoehorn uses onto a site might well mean that 3m represents too large a portion of the site.

   It is common for downtown sites to suffer vandalism and/or heavy foot traffic, so we would expect any landscape strip to deteriorate quite quickly. Maintenance of inner city plantings is always difficult as such sites often suffer from some or all of: strong gusty winds, snow piling, hot arid conditions and poor natural light. A parking lot is not a park.

2. We are very concerned that any setback or planting requirements should not applied retroactively.

Please advise if a public meeting will be held to review this matter.

Yours very truly,

CHAMBERS & COMPANY LIMITED

Peter G. Thoem
PGT:ck

RITLYN INVESTMENTS LTD.
136 Wilson St., Hamilton, Ont, L8R 1E2
522-1066

June 21, 1993

Mr. J. Lakatos
Planning and Development Department
71 Main Street West
Hamilton, Ont L8N 3T4

Dear Mr. Lakatos:

Re: Review of Parking Lot Regulations and Design Standards, File: #CI-91-H

Thank you for requesting our comments on the proposed Parking Lot regulations. We support the goals of the regulation for new and temporary parking lots.They will go a long way towards improving the aesthetics of our city.

I would like to suggest that the committee also address the issue of enforcement, particularly for current non-compliant parking lots. Under what circumstances should current owners be forced to upgrade their property? The committee should take into account that for current owners enforcement of the new regulations would be an additional tax in an already depressed and highly taxed economy.

Sincerely,

William J. Shapiro, P.Eng., M.B.A.
General Manager

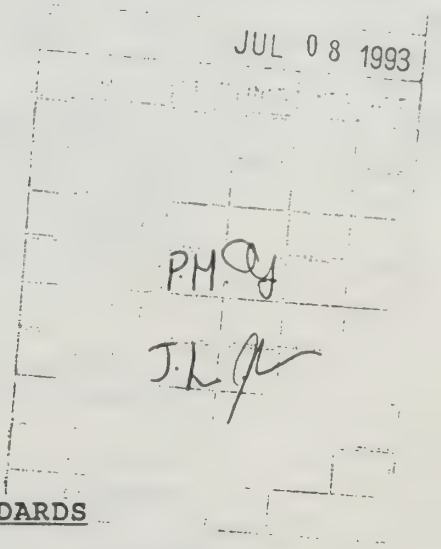
Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 July 7.

MEMBERS
ALDERMAN DOMINIC AGOSTINO
ALDERMAN FRANK D'AMICO

OF THE CITY OF HAMILTON

TELEPHONE (416) 523-PARK
FAX (416) 523-0878

80 MAIN STREET WEST, HAMILTON, ONTARIO L8P 1H6



July 6, 1993

Alderman Don Drury, Chairman
Planning and Development Committee
c/o City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

ATTENTION: Ms. Tina Agnello

Dear Alderman Drury:

RE: PARKING LOT REGULATIONS AND STANDARDS

As you know the above subject is scheduled for discussion at the Planning and Development Committee meeting of July 21, 1993. The documents under discussion were received in my office on June 14 with a written reply requested for June 21.

In an effort to comply I brought together a group of the major parking operators in the City and together they tried to get a grip on the details of the proposed changes. In fact, this meeting caused more questions than answers.

We met again on July 6 with Mr. Joe Lakatos (from the Planning Department) in attendance. Although this was a great help it is obvious that the parking industry response is going to require a little longer than the time provided.

I would respectfully request that consideration be given by you to defer this item until October. The extra time would provide the necessary time to develop a comprehensive and complete response.

Thank you very much for your consideration.

Yours sincerely,

Peter G. Baker,
General Manager

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 July 8

citipark™

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
File No. Received JUL 08 1993

TO	STAFF	INIT.	INFO.	ACT.
D.D.				
D.D.A.				
N.P.M.				
S.P.A.				
T.P.A.				
STAFF	JL			
CART.				
ADMIN.				

July 6, 1993

Ms. Tina Angelo, Secretary
Planning and Development Committee
City Hall
71 Main St. West
Hamilton, Ontario

In response to your recommendation pertaining to the review of parking regulations and design standards I submitt the following concerns.

Firstly, let me suggest that additional time is required to respond, due to the fact notification was not received in my office until June 14/93.

Secondly, in these tough economic times I find it unacceptable that you would burden the parking industry with major changes that will ultimately require the operators to pay the freight.

I might suggest that the current regulations in force today should be suffice to achive your objectives.

Thank You,

E. McCausland

Earl McCausland
Hamilton and District Manager

EM/mg
c.c. Mr. Victor Boksen, Manager - Northcentral Region

CITIPARK INC.
92 King Street East, Suite 250, Hamilton, Ontario L8N 1A9 (416) 525-1403

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LOCAL PLANNING BRANCH
JUL 12 1993
INFO ACT.

GRINDSTONE PROPERTIES LIMITED
P.O.BOX 1120
WATERDOWN, ONTARIO -- L0R 2H0

689-7341

July 9, 1993

Alderman Don Drury, Chairman
Planning & Development Committee
c/o City Hall
71 Main St. W.
Hamilton, Ontario
L8N 3T4

Attention: Tina Agnello
Planning & Development Secretary

Dear Alderman Drury:

Re: Parking Lot Standards

We are very interested and concerned about the propsed regulations to be discussed at a public meeting on July 21, 1993.

To this end we have participated in discussions with Mr. Joe Lakatos, City Planner, and Peter Baker, General Manager of the Hamilton Parking Authority, as well as, Earl McAusland, representing Citipark.

The results of our meeting were positive, however, given the limited time frame and the magnitude of proposed changes we have to address for July 21, 1993, it was concluded with your planning department representative that more time for constructive input would be required.

We, therefore, request that the meeting and decisions for the meeting of July 21, 1993, be postponed until further input can be adequately prepared.

Yours truly,
GRINDSTONE PROPERTIES LIMITED

Greg Fraleigh
President

GF/kp

Ref: July-mtg.ltr
Parking #6

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6(a)

MEMBERS
ALDERMAN DOMINIC AGOSTINO
ALDERMAN FRANK D'AMICO

OF THE CITY OF HAMILTON

80 MAIN STREET WEST, HAMILTON, ONTARIO L8P 1H6

TELEPHONE (416) 523-PARK
FAX: (416) 523-0878

CI-91-H

July 6, 1993

Alderman Don Drury, Chairman
Planning and Development Committee
c/o City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

ATTENTION: Ms. Tina Agnello

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Yours sincerely,

Peter G. Baker,
General Manager

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6(b)

CI-91-H

citipark™

July 6, 1993

Ms. Tina Angelo, Secretary
Planning and Development Committee
City Hall
71 Main St. West
Hamilton, Ontario

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Thank You,

E. McCausland

Earl McCausland
Hamilton and District Manager

EM/mg
c.c. Mr. Victor Boksen, Manager - Northcentral Region

CITIPARK INC.
92 King Street East, Suite 250, Hamilton, Ontario L8N 1A9 (416) 525-1403
GST #R100976786

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6(c)

GRINDSTONE PROPERTIES LIMITED
P.O.BOX 1120
WATERDOWN, ONTARIO -- L0R 2H0

689-7341

CI-91-L

July 9, 1993

Alderman Don Drury, Chairman
Planning & Development Committee
c/o City Hall
71 Main St. W.
Hamilton, Ontario
L8N 3T4

Attention: Tina Agnello
Planning & Development Secretary

Dear Alderman Drury:

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We, therefore, request that the meeting and decisions for the meeting of July 21, 1993, be postponed until further input can be adequately prepared.

Yours truly,
GRINDSTONE PROPERTIES LIMITED

Greg Fraleigh
President

GF/kp

Ref: July-mtg.ltr
Parking #6

7.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 July 14
(734.2)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Proposal to rename Gondola Street to Duncairn Crescent in the Gourley Neighbourhood - Public Meeting

RECOMMENDATION:

a) That a proposed by-law to rename Gondola Street to Duncairn Crescent in the Gourley Neighbourhood be enacted by Council; and,

b) That the property owners on Gondola Street, Canada Post and all emergency services be provided with a written notice of the effective date of the name change.

J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The Planning and Development Department has received a request from the Hamilton-Wentworth Police Department to consider changing the name of Gondola Street to Duncairn Crescent to clarify the confusion created as a result of a change in the planned roadway pattern.

Location

The subject street is located in the area east of Garth Street and north of Stone Church Road West in the Gourley Neighbourhood (location plan attached).

History

The Planning and Development Committee at it's meeting held on 19 May 1993 authorized the holding of a Public Meeting to consider a draft by-law to effect the proposed name change.

Circulation Responses

Notices of the proposed street name change and the holding of a Public Meeting were advertised in the Hamilton Spectator for four successive weeks in accordance with the requirements of the Municipal Act. Individual notices were also sent to the two existing houses that are currently occupied on Gondola Street, and the builder (G. Sinclair Construction Inc.) of the houses currently under construction.

To date, the Planning and Development Department has received four telephone enquiries and one written response from property owners in the immediate area. Of the four telephone enquiries received, three had no objections to the proposed change. While the fourth enquiry expressed concerns about the cost and inconvenience of changing their street address, they did not specifically object to the street name change. A written submission from A.J. Clarke & Associates on behalf of G. Sinclair Construction Inc. was received indicating their support of the proposal provided the City assumes all costs associated with this change.

Comments

The proposal to rename the street is necessary to reflect the change in the road pattern as a result of a neighbourhood plan change and to avoid the potential of creating a house numbering problem.

The concern raised by the resident about the cost of having to revise their mailing address is valid. However, it is our understanding that the resident is not presently residing on Gondola Street but is scheduled to take possession of a newly constructed home later this month. While it is recognized that the resident would be inconvenienced by the street name change, the cost would be minimal.

Once the by-law is enacted, the City would be responsible for the cost of registering the by-law and revising any existing street name signs only.

Renaming the street now would be less disruptive than waiting until the subdivision is fully developed.

Conclusion

The proposal to rename Gondola Street to Duncairn Crescent is logical and would avoid the potential of creating a house numbering problem and would help clarify the location of a property during an emergency response.

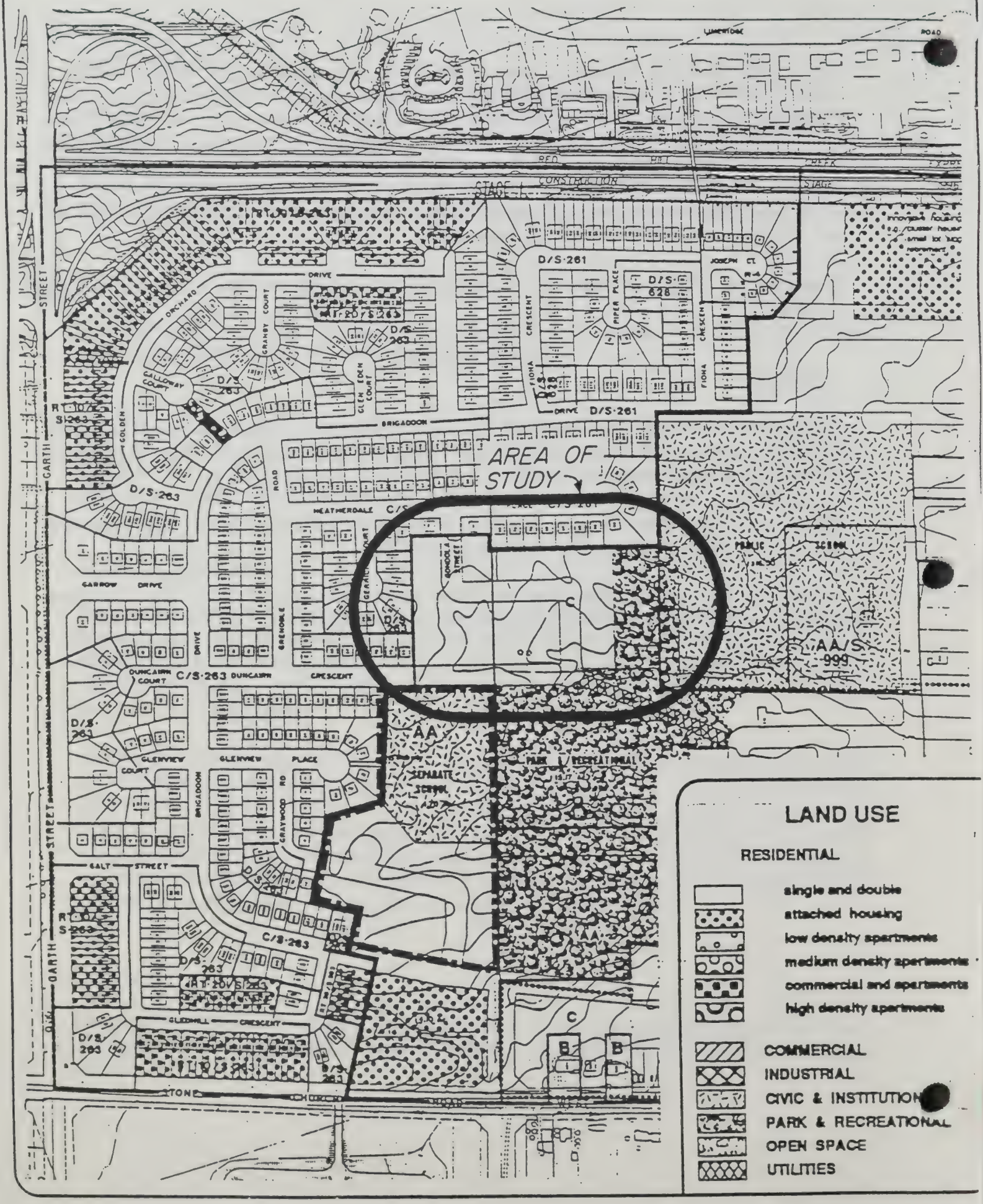
There were no objections received as a result of the advertised Public Notices that appeared in the Hamilton Spectator newspaper or the individual letters.

Subject to any comments received at the Public Meeting, the draft by-law to enact the street name change should be presented to City Council for adoption.

RL

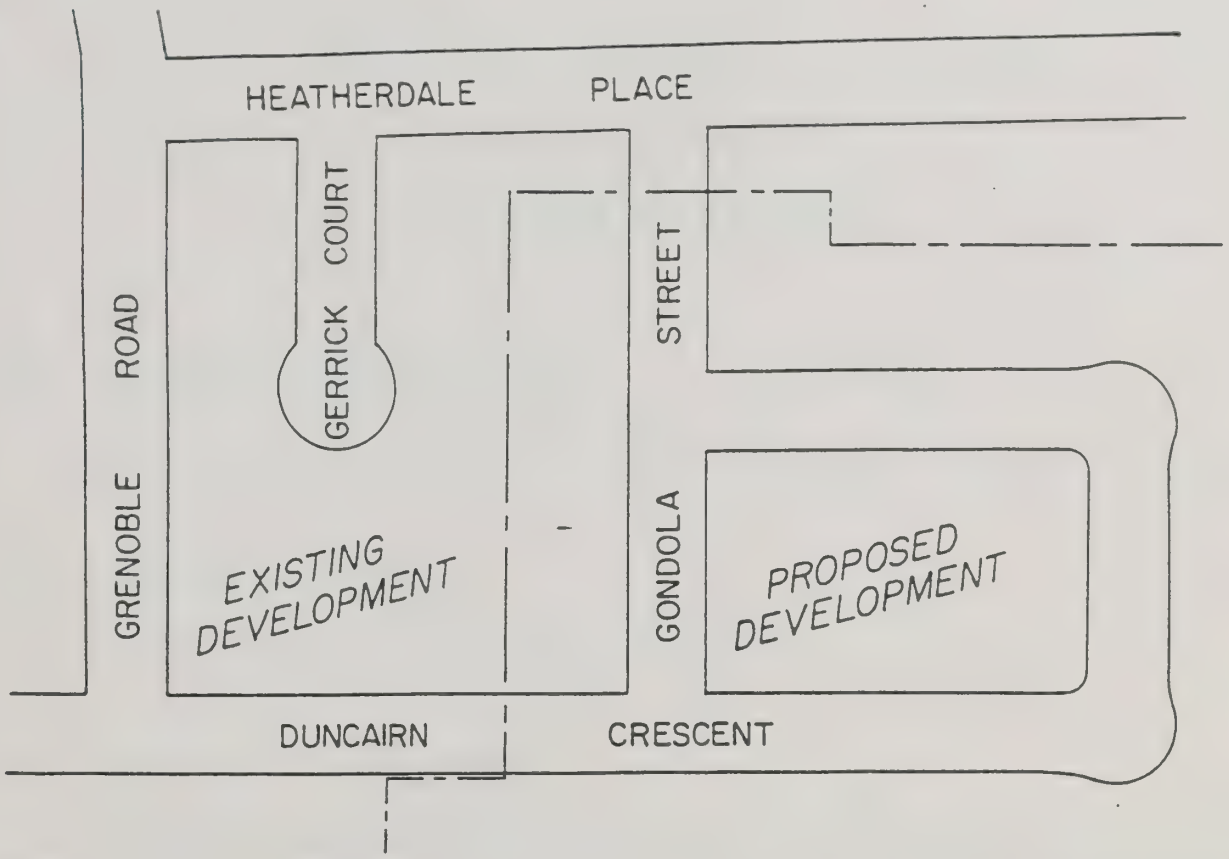
EXCERPT OF GOURLEY NEIGHBOURHOOD APPROVED PLAN

MAP 1

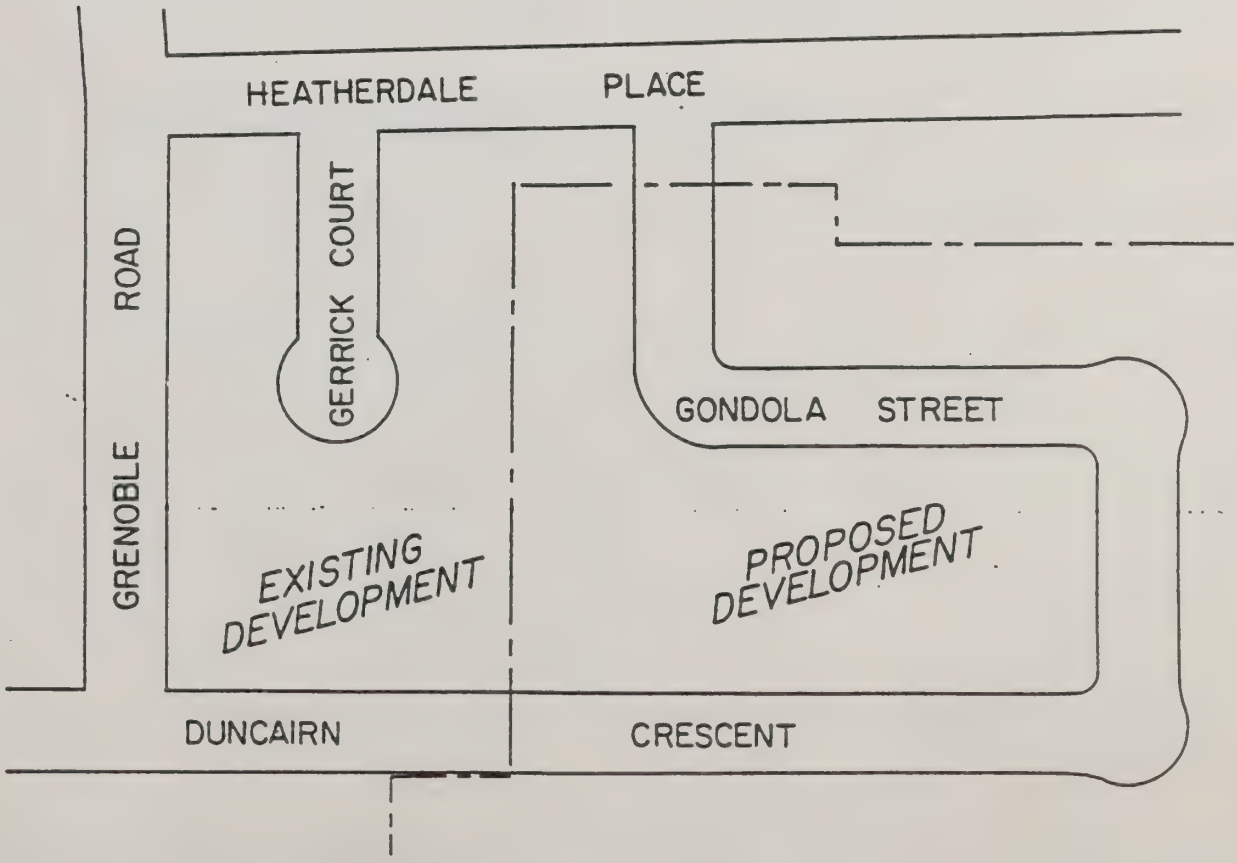


MAP 2

PROPOSED STREET NETWORK (1974)



APPROVED STREET NETWORK (1990)



8.

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1993 JULY 21

CONSENT AGENDA

A. **ADOPTION OF THE MINUTES**

Minutes of the Planning and Development Committee meeting held 1993 June 23

B. **SECRETARY, LACAC**

Heritage Easement Agreement - Whitehern

C. **DIRECTOR OF PROPERTY**

Termination of Lease - 1086 West 5th Street - Willis Lingelbach and Jean Lingelbach

D. **DIRECTOR OF PUBLIC WORKS**

Barton Street B.I.A. - Proposed Budget and Schedule of Payments for 1993

E. **SENIOR DIRECTOR, ROADS DEPARTMENT**

Claudette Gardens, Phase 4 - Cash in Lieu of 5% Parkland Dedication

F. **BUILDING COMMISSIONER**

(a) New Building By-law under the Building Code Act 1992

(b) Hamilton Emergency Loan Programme, 101 Balmoral Avenue North

(c) **Commercial Loan Program:**

i. 440 Barton Street East

ii. 1016 King Street West

(d) **Heritage Programme**

i. 128 St. Clair Avenue

ii. 188 Markland Street

(e) **Demolition Permits:**

i. 30 Clyde Street
ii. 16 Lancaster Street
iii. 38 Miles Road
iv. 184 Province Street North
v. 1285 Upper Gage Avenue

G. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

(a) **Site Plan Applications**

i. Site Plan Application DA-90-100 (ZA-90-06) Agommen Group 1 Ltd., owner, of lands known as 260-280 King Street East; Beasley Neighbourhood

ii. Site Plan Application DA-93-10 (ZA-92-08) Faith Evangelical Lutheran Church of Hamilton, owner, of lands at 1907 King Street East; Bartonville Neighbourhood

iii. Site Plan Application DA-92-63, Dr. Jung Y. Mah, owner, of property located at 674 Upper James Street; Bonnington Neighbourhood

(b) Modifications to Hamilton Official Plan Amendment No. 113 - Hamilton Beach

(c) Fonthill Walkway - Authorization for a Public Meeting; Fessenden Neighbourhood

(d) Private Watermain, Mount Albion Road and Mud Street, Albion Falls Neighbourhood

H. **SECRETARY, PLANNING AND DEVELOPMENT**

Information Items

Wednesday, 1993 June 23
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present:
Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Mayor Morrow
Alderman M. Kiss
Alderman Wm. McCulloch
Alderman D. Wilson
Alderman B. Charters
Alderman H. Merling
Alderman F. D'Amico

Also Present:
Victor Abraham, Director of Local Planning
Paul Mallard, Planning Department
Bill Janssen, Planning Department
Mary Lou Tanner, Planning Department
Caroline Floroff, Planning Department
Nina Chapple, Planning Department
Eugene Chajka, Roads Department
Brian Allick, Building Department
Willie Wong, Building Department
John Robinson, Building Department
Hazel Milsome, Community Renewal
Art Zuidema, Law Department
Peter Barkwell, Law Department
Murray Main, Traffic Department
Rolland Karl, Traffic Department
Mike Watson, Property Department
Tina Agnello, Secretary

PUBLIC MEETINGS

1. **Zoning Application 89-57, Ascenzo Gemino Lepore, owner, for a change in zoning from "AA" District to "C" District, for lands located at No. 236 and part of No. 250 Rymal Road West; Sheldon Neighbourhood**

Paul Mallard advised that of the notices circulated, 43 replied in favour of the application and none were opposed.

Ascenzo Lepore, the applicant, was present and stated that he is disappointed that the rezoning is only for part of the lands. He stated that he has been paying taxes on the property and would like some concessions since it will be difficult to sell three lots only.

Mr. Mallard explained that the rear portion is in a holding provision because the lands are not yet serviced.

Vince Lepore asked why the area could not be developed as double residential since his father originally made the application for double residential but was encouraged to change it to single family.

Ascenzo Lepore explained that he applied for single family rezoning under the impression that all lands would be rezoned.

Mr. Mallard advised that single and double residential is determined through site specific zoning.

Alderman Merling suggested that the application be tabled to allow the applicant to meet with staff and the Ward Aldermen to determine if a solution can be reached.

Alderman D'Amico added that this application should be brought forward at the next regular Planning and Development Committee Meeting.

The Committee moved to table the application to allow the applicant to meet with staff and the Ward Aldermen to determine if an alternate solution can be reached. The application is to be brought forward at the next regular Planning and Development Committee Meeting.

2. **Zoning Application 92-55, Luval Enterprises Limited, owner, for changes in zoning from "AA" District to "C" District (Block "1") and "RT-30" District (Block "2"), and from "R-4" District to "RT-20" District (Block "3"), "RT-30" District (Block "4") and "DE-3" District (Block "5"), for lands located south of Mud Street and west of Upper Mount Albion Road; Albion Falls Neighbourhood**

Paul Mallard explained that the applicant proposes to rezone a parcel of land adjoining property in Stoney Creek to 5 blocks including a single family lot, 32 street townhouse units, 19 townhouse units and a 3 storey, 39 unit apartment dwelling. The land are presently identified for single family development.

He continued by stating that in December 1991 the Regional Council placed a development moratorium on the property. The proposal conflicts with the Official Plan and is not compatible with existing development. The proposal is also premature based on the moratorium and the pending development of the Red Hill Creek Expressway.

For the portion of lands in Stoney Creek, staff has recommended denial but Council has directed that a zoning change and Official Plan Amendment be prepared for public meeting. Of 42 notices circulated none were in favour and 7 were opposed.

Eugene Chajka was concerned with the effects of the road system on the development as a result of the construction of the Red Hill Creek Expressway. He advised that a development agreement should be required as a condition of approval. He explained that property access, noise attenuation and other issues be addressed.

Morgan Pirie, Clem Valerie and Dave McCann were present on behalf of the applicant.

Mr. Pirie asked that the Committee review the application on its own merits. He explained that the City of Stoney Creek supports the application and that from a land use perspective the application is appropriate for future development. With regard to the townhouses he explained that they are in close proximity to collector roadways and commercial uses. He stated that the proposed development is consistent with medium density development to the east of this property. He advised that the townhouses will be 2 storeys only. The site plan provided is a concept plan and will be finalized with details upon approval. He concluded by stating that the proposed development is reasonable and appropriate and requested the Committee to approve it.

Dave McCann advised that a traffic impact analysis has been conducted and that anticipated traffic can be accommodated subject to the townhouse units not being constructed until Mud Street is realigned.

Mr. Valerie stated that these dwellings are being built in response to market needs; at a higher density and lower cost.

Alderman Merling explained that presently the property can be developed as a result of 1991 approval. The City of Stoney Creek has already approved this application. If approved the requirements of the Roads Department should be incorporated as conditions.

A discussion ensued regarding the appropriateness of this development at a location near a proposed freeway.

Alderman Eisenberger questioned if the Regional moratorium would be lifted on the property.

Following discussion the Committee resolved to approve the application and forward the following recommendation to Council:

That approval be given to Zoning Application 92-55, Luval Enterprises Limited, owners, for changes in zoning from "AA" (Agricultural) District to "C"-'H' (Urban Protected Residential, etc. - Holding) District (Block "1") and to "RT-30"-'H' (Street Townhouse - Holding) District (Block "2"); and from "R-4" (Small Lot Single-Family Detached) District to "RT-20"- 'H' (Townhouse-Maisonette - Holding) District (Block "3"), to "RT-30"-'H' (Street Townhouse - Holding) District (Block "4"), and to "DE-3"-'H' (Multiple Dwellings - Holding) District (Block "5"), to permit one single-family dwelling lot (Block "1"), 32 street townhouse units (Blocks "2" and "4"), 19 townhouse units (Block "3"), and a three storey, 39 unit, multiple dwelling (apartment building) (Block "5"), for lands located south of Mud Street and west of Upper Mount Albion Road, as shown on the attached map marked as Appendix "A", on the following basis:

(a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit development of the subject lands until the applicant/owner has entered into a Modified Subdivision Agreement with the City/Region, and an Access Agreement with the Region, to the satisfaction of the Regional Roads Department.

Removal of the holding restriction shall be conditional upon the applicant/owner entering into a Modified Subdivision Agreement with the City/Region, and an Access Agreement with the Region, to the satisfaction of the Regional Roads Department. City Council may remove the 'H' symbol, and thereby give effect to the "C", "RT-20","RT-30" and "DE-3" District provisions as stipulated in this By-law by the enactment of an amending By-law.

(b) That Block "1" be rezoned from "AA" (Agricultural) District to "C"-'H' (Urban Protected Residential, etc. - Holding) District;

(c) That Block "2" be rezoned from "AA" (Agricultural) District to "RT-30"-'H' (Street Townhouse - Holding) District;

(d) That Block "3" be rezoned from "R-4" (Small Lot Single-Family Detached) District to "RT-20"-'H' (Townhouse - Maisonette - Holding) District;

(e) That Block "4" be rezoned from "R-4" (Small Lot Single-Family Detached) District to "RT-30"-'H' (Street Townhouse - Holding) District; and

(f) That Block "5" be rezoned from "R-4" (Small Lot Single-Family Detached) District to "DE-3"-'H' (Multiple Dwellings - Holding) District;

(g) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-79B for presentation to City Council;

(h) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and

(i) That the Albion Falls Neighbourhood Plan be amended by redesignating Blocks "2" "3" and "4" from "Single and Double Residential" to "Attached Housing", and Block "5" from "Single and Double Residential" to "Medium Density Apartments".

3. <u>89-91 VINE STREET, PHILPOTT MEMORIAL CHURCH, OWNER</u>

(a) **Secretary LACAC - Designation of 89-91 Vine Street (Not a Public Meeting)**

A brief discussion ensued regarding the demolition permit and how issuance can be postponed in circumstances where there is historical interest in the property. Alderman McCulloch advised that the City of Toronto has provisions for such cases.

Mr. Wong advised that legally the Building Department was obligated to issue the permit.

The Committee moved to receive the report dated 1993 May 19.

(b) **Zoning Application 92-57, Philpott Memorial Church, owner, for a change in zoning from "L-C" District to "H" District, for property located at Nos. 89-91 Vine Street; Central Neighbourhood**

As a result of the building being demolished on the property, the Planning Department submitted a revised resolution for approval to the Committee.

Allan Marshall, Solicitor, Dan Logan and John Bellingham of the Philpott Church were present.

Mr. Marshall explained that the Church purchased the property in 1991 with the intention of extending the parking lot.

Alderman McCulloch advised that the owners of the building have attended LACAC meetings. With regard to using the building as an accessory Church use the assessment office has advised that the property will be tax exempt if used as a parking lot only and not on accessory use to the Church.

As recommended in a revised resolution from the Planning Department the Committee recommended to Council as follows:

That approval be given to Zoning Application 92-57, Philpott Memorial Church, owner, for a change in zoning from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District modified to permit a parking lot or future expansion of the adjacent church, on lands known as 89-91 Vine Street, as shown on the attached map marked as Appendix "B", on the following basis:

(a) That the subject lands be rezoned from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District;

(b) That the "H" (Community Shopping and Commercial, etc.) District regulations contained in Section 14 of Zoning By-law 6593 be modified to include the following variance as a special requirement:

i. a landscaped planting strip of not less than 3.0 m (9.84 feet) in width shall be provided and maintained along Vine Street, except for any area used for access driveways.

(c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1312, and that the subject lands on Zoning District Map W-4 be notated S-1312;

(d) That the City Solicitor be direct to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4 for presentation to City Council; and,

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

* **Alderman Wilson and D'Amico opposed.**

4. **Zoning Application 93-01, Adorn Investments Limited and Valerie Fine, Trustee (Midas Bowling Lanes Ltd.), owners, for changes in zoning from "AA" District to "R-4" District (Block "1"), "RT-30" District (Block "2") and "H" District (Block "3", and from "R-4" District to "RT-30" District (Block "4"), for lands located at the rear of 1011 Queenston Road; Riverdale East Neighbourhood**

Paul Mallard advised that the proposal for double and attached housing and medium density apartments is inappropriate in a predominantly single family neighbourhood. There is concern that a precedent will be set. Of 272 notices sent 11 replied in favour and 13 were apposed.

Helen Peltham was present on behalf of the applicant and submitted her presentation to the Committee. She requested that the Committee support the original application which includes the townhouses. She stated that it makes sense to locate the townhouses near a commercial area. She asked that the application be considered on its own merits and that the Committee consider this as residential intensification.

Terry Morrison, adjacent property owner to the east being 766284 Ontario Ltd. and Derek Srokowski, a dentist at 115 Hwy.#8 were present in favour of the application.

As recommended by the Commissioner Planning and Development in a report dated 1993 June 3 the Committee recommended to Council as follows:

A. That Zoning Application 93-01, Adorn Investments Limited, owners and Valerie Fine, Trustee, for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for Block "1", from "AA" (Agricultural) District to "RT-30" (Street Townhouse) District for Block "2", from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District for Block "3", and from "R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District for Block "4", for property located at the rear of 1011 Queenston Road, shown on the attached map marked as Appendix "C", be **denied** for the following reasons:

(a) The proposed street townhouses (Blocks "2" and "4") conflict with the intent of the Official Plan and the approved Riverdale East Neighbourhood Plan which designates these lands "Single and Double Residential". The Official Plan states that new development will comply with the approved Neighbourhood Plan and will contribute to the desired mix of housing, and that varieties of residential types will not be mixed indiscriminately;

(b) Street townhouses (i.e. Block "2" and "4") would not be compatible with established and future intended development in the surrounding area which is predominately one and two-family dwellings to the north and the east; and,

(c) Approval of the application could encourage other similar applications which, if approved, would undermine the intent of the Official Plan and approved Neighbourhood Plan.

B. That approval be given to an amended Zoning Application 93-01, Adorn Investments Limited, owners and Valerie Fine, Trustee for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for Block "1", and from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District for Block "2", for property located at the rear of 1011 Queenston Road, shown on the attached map marked as Appendix "D", on the following basis :

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

(b) That Block "2" be rezoned from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District;

(c) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:

i. That a landscape planting strip not less than 6.0 m wide shall be provided and maintained along the northerly limits of the "H" district lands where they abut the residential district to the north; and,

ii. a visual barrier not less than 2.5 m in height shall be provided and maintained within the landscaped planting strip referred to in clause (a).

(d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1313, and that the subject lands on Zoning District Maps E-124 and E-125 be notated S-1313;

(e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-124 and E-125 for presentation to City Council;

(f) That the approved Riverdale East Neighbourhood Plan be amended by deleting the proposed walkway along the easterly limits of Blocks "1" and "2";

(g) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

C. That Site Plan Control By-law 79-275, as amended by By-law 87-233, be amended by adding Block "2" to Schedule "A".

5. **City Initiative 93-A, to consider a general text amendment to Zoning By-law No. 6593 respecting the location of townhouse and maisonette development**

A brief discussion ensued regarding existing uses and future uses permitted in D Zones.

As recommended in a report from the Commissioner of Planning and Development dated 1993 June 14 the Committee recommended to Council as follows:

That approval be given to City Initiative 93-A to provide for a general text amendment to Zoning By-law No. 6593 by deleting townhouses and street townhouses as permitted uses in the "D" and "G" Districts; and by deleting townhouses, maisonettes and street townhouses as permitted uses in the "DE", "DE-2", "DE-3", "E", "E-1", "E-2" and "E-3" Districts, on the following basis:

(a) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District requirements as set out under Section 10 of Zoning By-law No. 6593 be amended by:

i. deleting the word "Townhouses" from the district title so that it shall read as "(Urban Protected Residential - One and Two Family Dwellings, ETC.)";

ii. deleting Section 10.(1)(iii) in its entirety; and

iii. adding thereto the following subsection:

PRIOR EXISTING USES

(8) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-10" District provisions;

(ii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(b) That the "DE" (Low Density Multiple Dwellings) District requirements as set out under Section 10A of Zoning By-law No. 6593 be amended by:

i. deleting Section 10A.(1)(v) in its entirety; and

ii. adding thereto the following subsection:

PRIOR EXISTING USES

(8) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(c) That the "DE-2" (Multiple Dwellings) District requirements as set out under Section 10B of Zoning By-law No. 6593 be amended by:

i. deleting Section 10B.(1)(v) in its entirety; and

ii. adding thereto the following subsection:

PRIOR EXISTING USES

(9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(d) That the "DE-3" (Multiple Dwellings) District requirements as set out under Section 10C of Zoning By-law No. 6593 be amended by:

i. deleting Section 10C.(1)(v) in its entirety; and

ii. adding thereto the following subsection:

PRIOR EXISTING USES

(9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(10) Notwithstanding subsection (9), those lands located at Nos. 384-390 Limeridge Road East shall be deemed a "PRIOR EXISTING USE".

(e) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District requirements as set out under Section 11 of Zoning By-law No. 6593 be amended by:

i. deleting Section 11.(1)(iia) in its entirety; and

ii. adding thereto the following subsection:

PRIOR EXISTING USES

(9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(f) That the "E-2" (Multiple Dwellings) District requirements as set out under Section 11B of Zoning By-law No. 6593 be amended by:

i. deleting Section 11B.(1)(v) in its entirety; and

ii. adding thereto the following subsection:

PRIOR EXISTING USES

(9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(10) Notwithstanding subsection (9), those lands located at No. 1620 Upper Wentworth Street shall be deemed a "PRIOR EXISTING USE".

(g) That the "G" (Neighbourhood Shopping Centre, etc.) District requirements as set out under Section 13 of Zoning By-law No. 6593 be amended by adding thereto the following subsection:

PRIOR EXISTING USES

(7) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the By-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-10" District provisions;

(ii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(8) Notwithstanding subsection (7), those lands located at No. 2774 King Street East shall be deemed a "PRIOR EXISTING USE".

(h) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(i) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

6. <u>REFERRAL FROM REGIONAL COUNCIL</u>

Amendment No. 80 to the City of Hamilton Official Plan (PLA-93-033)

The Committee was in receipt of correspondence from the Region of Hamilton Wentworth dated 1993 May 19.

Alderman Merling requested the Committee to endorse the original recommendation regarding Official Plan Amendment 80 which was forwarded to the Region in August 1992.

He further explained that the region is recommending that some of the provisions of OPA 80 pertaining to the Harbour be forwarded to the Ontario Municipal Board to be considered together with other By-laws before the Ontario Municipal Board regarding the Hamilton Harbour.

Alderman Merling requested that the OPA 80 be processed in its entirety and without removal of Harbour matters. He suggested that the objections of the Harbour Commission are frivolous.

In response to a question, Art Zuidema stated that the City is best served to leave OPA 80 as it was originally forwarded to the Region.

The Mayor asked why the decisions of the Ontario Municipal Board cannot be enforced to which Art Zuidema replied that in the Ontario Municipal Board decision the City has the power to regulate all matters except those relating to shipping and navigation. As the definition of shipping and navigation was not given, the building department relies on the Harbour Commission to advise which uses are being carried on.

Mr. Wong further explained that the Harbour Commission considers all uses on their property related to shipping and navigation.

Art Zuidema further advised that the City may be faced with a jurisdictional problem because the Ontario Municipal Board is a Provincial body and the Harbour Commission is Federal.

Following discussion the Committee resolved that the following recommendation be forwarded to Council for approval:

(a) That City Council request Regional Council to support Amendment No. 80 to the City of Hamilton Official Plan as approved by City Council at its meeting of 1992 August 25, attached hereto as Appendix "E", in its entirety, and;

(b) That Regional Council also be requested to deem the objections of the Harbour Commission as frivolous.

7. **BUILDING COMMISSIONER**

Ontario Home Renewal Programme - Meeting with Minister of Housing

As recommended in a report dated 1993 June 14 the Committee recommended to Council as follows:

> That representatives of City Council, the Planning and Development Committee, and City staff arrange a meeting with the Minister of Housing to discuss the financing of housing rehabilitation programmes from funds accumulated under the Ontario Home Renewal Programme Trust Account.

8. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

Implementation of report entitled "Guidelines for a Central Business District Focus Area"

A submission was received by H. Gaasenbeek, 19 Flatt Avenue, Hamilton, Ontario, L8P 4M9.

Bill Janssen gave a summary of the recommended implementation mechanisms fro the Guidelines for an Integrated Central Business District Study.

Alderman Eisenberger commended John Mokrycke on his excellent report and added that a decision should be made regarding the pedestrian overpass.

Alderman Kiss expressed concern regarding the pedestrian overpass and stated that it is too costly and is not warranted. She did not agree with the proposed closure of Hughson Street.

Mr. Mokrycke stated that Hughson Street is not a major artery since it does not connect the harbour with the escarpment. The connection as a pedestrian access to the new Go Station will be important. The new court facility will also be using it for their vehicles, the added that King William Street may also be closed to make a public plaza.

As recommended in a report dated 1993 June 17 the Committee recommended to Council as follows:

(a) That the concept of Hughson Street as a major pedestrian thoroughfare, as outlined in John Mokrycke's Guidelines for an Integrated Central Business District Focus Area (See Appendix "F") be endorsed in principle;

(b) That an implementation plan for this concept be developed by the Public Works Department, Planning and Development Department and other relevant Departments.

(c) That the Planning and Development Department be directed to review the development of +15 links from Jackson Square and the Convention Centre to Gore Park in consultation with CAPIC and the Urban Design Committee;

(d) That the review of the Corktown and Beasley Neighbourhood Plans include the identification of those areas within the Focus Area that are appropriate for mixed residential/commercial development;

(e) That the Ferguson Avenue Redevelopment Advisory Committee, the Beasley Neighbourhood Plan Review Team, and the Corktown Neighbourhood Plan Review Team be directed to identify specific bicycle routes within their respective study areas;

(f) That the development of a public plaza on Hunter Street, in front of the GO Station, be referred to the GO Station Area Study for detailed review;

(g) That the Parks Staff Advisory Committee be directed to review the feasibility of the installation of fountains at Hughson Street and Hunter Street and Hughson and King William Street and report to the Parks and Recreation Committee and the Planning and Development Committee;

(h) That the City continue to act as a facilitator only with respect to the provision of public art (i.e. murals on building faces) for private buildings;

(i) That no action be taken on the recommendation to permit on-street loading in the Focus Area;

(j) That the Barrier Free Design Committee be directed to review the accessibility of the Focus Area;

(k) That the proposed development concept respecting building heights and setbacks, attached as Appendix "G", be adopted as guidelines for redevelopment of the Focus Area;

(l) That the Urban Design Committee be directed to review lighting standards in the Focus Area;

(m) That no action be taken on the recommendation to prepare a study of signage in the Focus Area.

9. DIRECTOR OF PUBLIC WORKS

Commercial Improvement Programme - Business Improvement Areas

As recommended in a report dated 1993 June 17 the Committee recommended to Council as follows:

> That staff be authorized to defer the expenditure of $458,000. from the Commercial Improvement Program pending the outcome of the Capital Budget deliberations resulting from the anticipated reduction in Provincial transfer payments.

10. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the Planning and Development Committee meeting held 1993 May 19 were approved as circulated.

REPORTS

The Planning and Development Committee forwarded to Council the recommendations of various reports in the Consent Agenda as follows:

B. SECRETARY, LACAC

Designation of Barton Stone United Church Cemetery, 21 Stone Church Road West, dated 1993 May 19:

(a) That approval be given to the "Intent to Designate" Barton Stone United Church Cemetery at 21 Stone Church Road West as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983 as outlined in the Reasons for Designation attached hereto and marked as Appendix "H".

(b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provision of the Ontario Heritage Act, 1983.

C. DIRECTOR OF PROPERTY

Release of Building Covenants, City Sale to Bortolotto and Tomassetti - 35 Milburn Road, Hamilton, dated 1993 June 1:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 35 Milburn Road, Hamilton from the construction covenants to the City as contained in City Deed 289503 A.B. registered on April 25, 1973.

D. SENIOR DIRECTOR, ROADS DEPARTMENT

Wisemount Estates - Phase 3, Cash in Lieu of 5% Parkland Dedication, dated 1993 June 17:

That the City of Hamilton accept the sum of $22,400. as a cash payment in lieu of the 5% land dedication in connection with Wisemount Estates - Phase 3, Hamilton, located in the Lisgar Neighbourhood, west of Upper Kenilworth Avenue, between Landron Avenue and Limeridge Road East, being the cash payment required under Section 51 of the Planning Act.

E. BUILDING COMMISSIONER

(a) **Building Demolition of 275 Bay Street North, dated 1993 June 14:**

(a) That the Building Commissioner be authorized to call tenders and subsequently proceed to have the building located at 275 Bay Street North demolished to bring the subject property into compliance with the City of Hamilton Property Standards By-law 74-74, as amended, and specifically to do the work required to comply with the final and binding Order.

(b) That the appropriate by-law be enacted by Council.

(b) **Hamilton Emergency Loan Programme - 210 MacNab Street North, dated 1993 May 19:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, four hundred and fifty six ($1,456.) be approved for Sharon Goupil, 210 MacNab Street North, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

(c) **Community Heritage Trust Fund, dated 1993 June 2:**

(a) That the fixed interest rate under the Community Heritage Trust Fund Loan Programme be reduced from six percent (6%) to one-half (1/2) of the City's prime lending rate.

(b) That the applicant be charged a flat fee of $200. per application or 1 1/2% of the loan amount, whichever is greater, to help offset the administrative costs of the Programme. The administrative fee will be eligible for funding under the Programme. The new loans will be amortized over ten years but renegotiated after five years in order to reflect the interest rate of the day.

(c) That the City Solicitor be directed to amend By-law 85-120 in order to reflect City Council's approval of these changes.

(d) **Various Demolition Permits:**

i. 765 West 5th Street
ii. 1086 West 5th Street
iii. 1090 Upper James Street
iv. 1094 Upper James Street
v. 1445 Upper Sherman Avenue
vi. 31 Argyle Street
vii. 1889 Main Street East

F. COMMISSIONER OF PLANNING AND DEVELOPMENT

(a) **Application H-93-3, 800064 Ontario Limited for removal from part lot control, for Claudette Gardens - Phase 3; Falkirk East Neighbourhood, dated 19893 June 9:**

(a) That the request of 800064 Ontario Inc., to remove part-lot control from Lots 1-16, inclusive, "Claudette Gardens - Phase 3" plan of subdivision, 62M-734, be approved;

(b) That the attached by-law to remove part-lot control from Lots 1-16, inclusive, "Claudette Gardens - Phase 3" plan of subdivision, be enacted by Council;

(c) That the following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegates of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and

(d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.

(b) **CDM-CONV-H-9301, 839616 Ontario Limited, to establish a draft plan of condominium lands at Main Street East and Wentworth Street South; Gibson Neighbourhood, dated 1993 June 10:**

That approval be given to application CDM-CONV-H-9301, Kestutis Draudvila, in trust, owner, to establish a draft plan of condominium in the north-east corner of Main Street East and Wentworth Street South, subject to the following conditions:

(a) This approval applies to the plan prepared by A.T. McLaren dated February 3, 1993, showing a total of 21 residential units.

(b) The owner entering into an Encroachment Agreement with the Regional Municipality of Hamilton-Wentworth to the satisfaction of the Commissioner of Transportation/Environmental Services Group prior to the release of the final plan by the Region.

(c) The owner receive the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium.

(c) **Request to amend the Hamilton-Wentworth Official Plan to permit the "Canuck 750" Sports Coliseum, dated 1993 June 10:**

That Regional Council be advised that the proposed Amendment to the Hamilton-Wentworth Official Plan to permit the "Canuck 750" Sports Coliseum does not conflict with the planning intentions of the City of Hamilton.

(d) **Central/Beasley Neighbourhood Plan Review Team, dated 1993 May 25:**

That the following citizens be appointed to the Central/Beasley Neighbourhood Plan Review Team:

Name	Representing
Mary Pocius	International Village BIA; CAPIC
Greg Gouthreau	Downtown BIA
Pat Bramwell	Ferguson Avenue Redevelopment Advisory Committee
Ken Hastings	Beasley Neighbourhood Association
Jerry Sherman	James Street North Business
Jane Rigby	Central/Beasley P.R.I.D.E. H.I.N.T.
Fred Vermeulen	Hess Village Merchants
Harry Perrell	Beasley Neighbourhood
Jackie Gordon	Beasley Neighbourhood
James C. Drake	Beasley Neighbourhood
Helen Kirkpatrick	Central Neighbourhood
Ann Vaugeois	Central Neighbourhood

G. SECRETARY, PLANNING AND DEVELOPMENT

Information Items

As recommended in a report dated 1993 June 21, the Committee received the following reports and correspondence for information purposes:

(a) Building Commissioner - 1992 Budget Year End Balance, dated 1993 May 3

(b) City Solicitor - Recent Administrative Tribunal Update: OMB, dated 1993 May 19

(c) Minister of Culture, Tourism and Recreation - Designated Property Grants, dated 1993 May 26

(d) Building Commissioner & Director of Public Works - Enforcement of By-law 84-35 with respect to excessive growth of grass or weeds, dated 1993 June 2

(e) Commissioner of Planning and Development - Approved Site Plan Control Applications, dated 1993 June 15

(f) Notice of Public Information Meeting Re: Mobile Sign Regulations June 23, 1993 at 7:00 p.m., 2nd Floor, City Hall

(g) Chief Administrative Officer Re: Status Report and Revised Terms of Reference re: GO Centre Area Study, dated 1993 June 16

11. **OTHER BUSINESS**

The Chairperson advised that a Public Meeting regarding Mobile Signs is to be held at City Hall this evening.

12. **ADJOURNMENT**

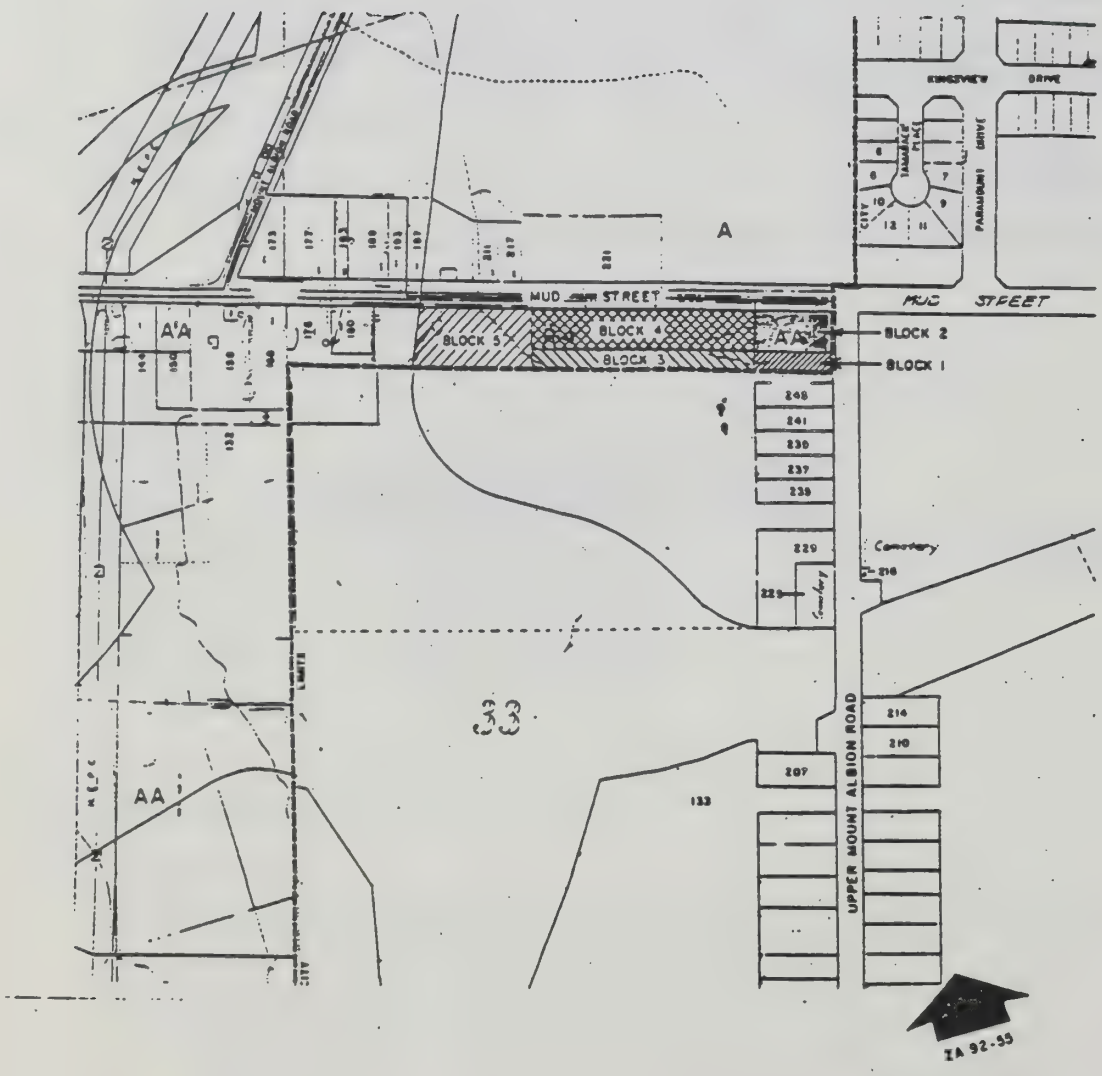
There being no further business the Committee meeting adjourned.

TAKEN AS READ AND APPROVED,

ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello, Secretary
1993 June 23

Appendix "A" as referred to in Section 2 of the Minutes of The Planning and Development Committee Meeting held 1993 June 23



LEGEND

Proposed change in zoning from:

BLOCK 1 "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc. - Holding) District.

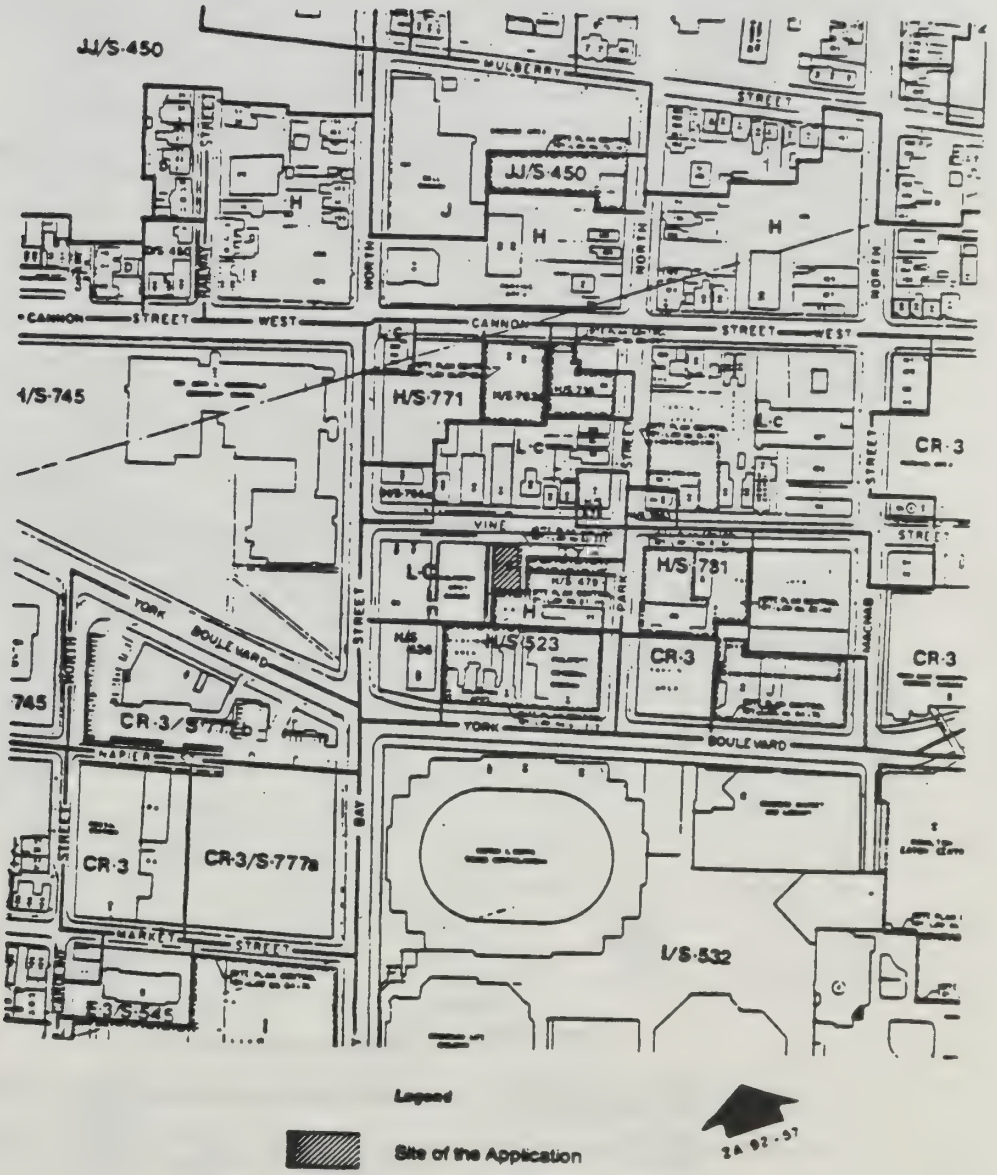
BLOCK 2 "AA" (Agricultural) District to "RT-30" - "H" (Street Townhouse - Holding) District.

BLOCK 3 "R-4" (Small Lot Single-Family Detached) District to "RT-20" - "H" (Townhouse - Maisonette - Holding) District.

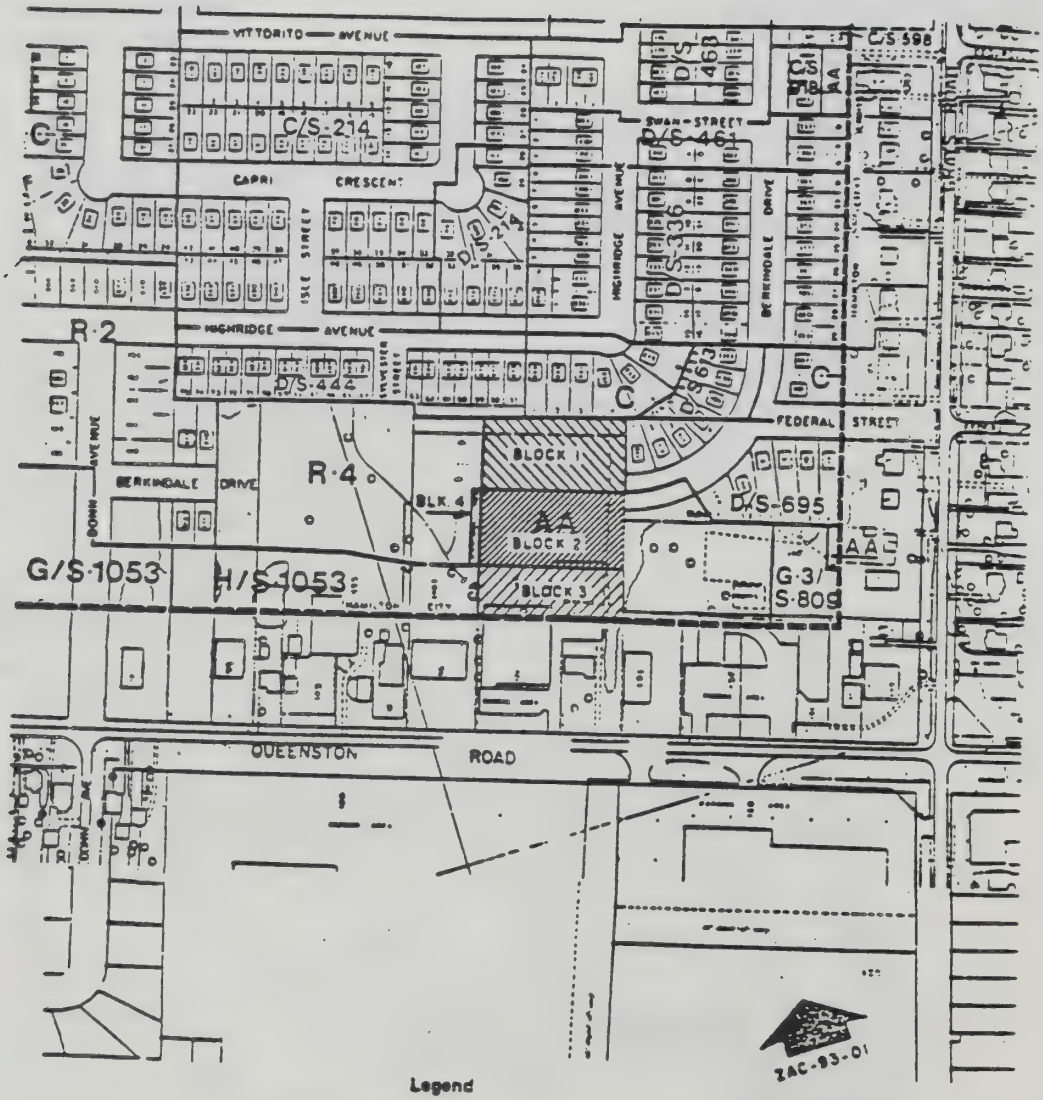
BLOCK 4 "R-4" (Small Lot Single-Family Detached) District to "RT-30" - "H" (Street Townhouse - Holding) District.

BLOCK 5 "R-4" (Small Lot Single-Family Detached) District to "DE-3" - "H" (Multiple Dwellings - Holding) District.

Appendix "B" as referred to in Section 3 of the Minutes of The Planning and Development Committee Meeting held 1993 June 23



Appendix "C" as referred to in Section 4A of the Minutes of The Planning and Development Committee Meeting held 1993 June 23

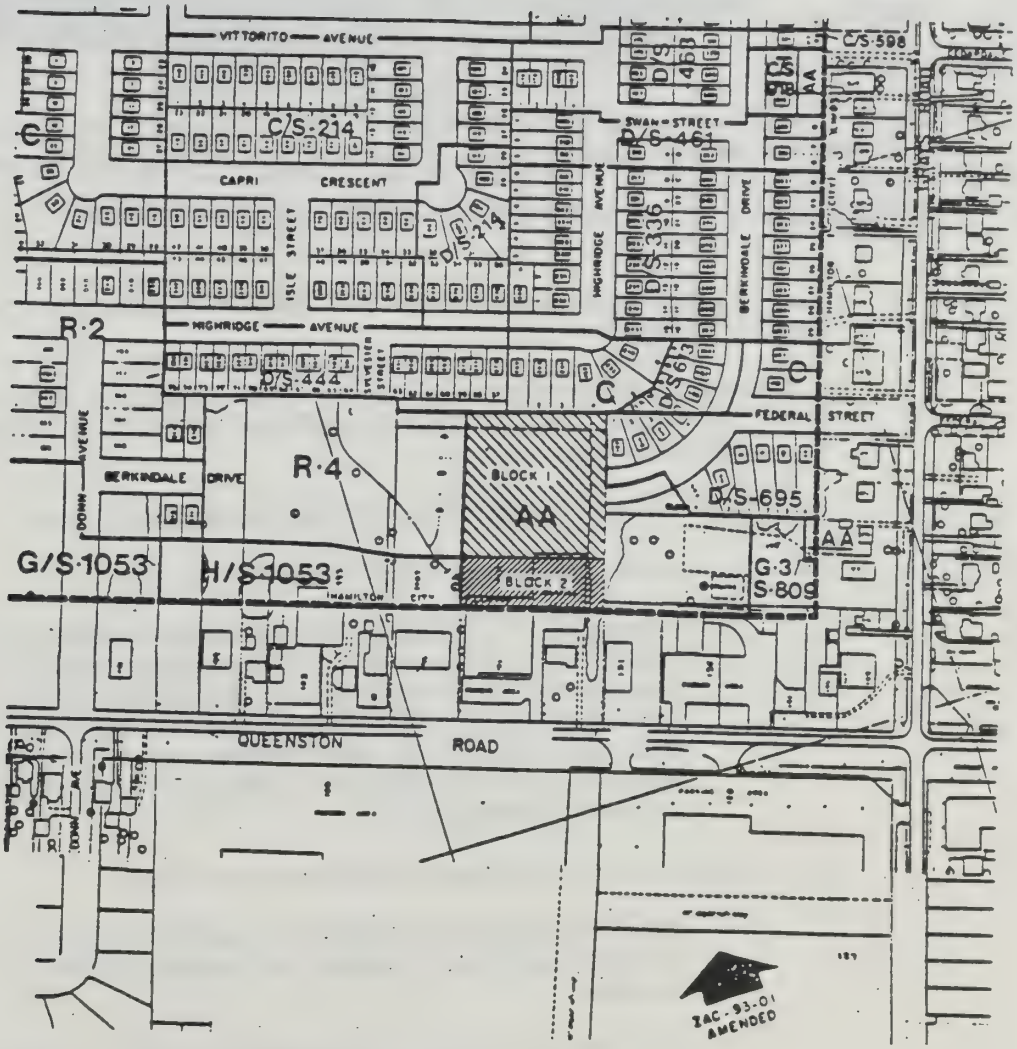


Legend

Proposed Change in Zoning From:

BLOCK 1		"AA (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.
BLOCK 2		"AA" (Agricultural) District to "RT-30" (Street Townhouse) District.
BLOCK 3		"AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District.
BLOCK 4		"R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District.

Appendix "D" as referred to in Section 4B of the Minutes of The Planning and Development Committee Meeting held 1993 June 23



Legend

Proposed change in zoning from:

BLOCK 1 — "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.

BLOCK 2 — "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District, modified.

Appendix "E" as referred
to in Section 6 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 June 23

City of
HAMILTON

Subjoined is a certified true copy of Item 21 of the FIFTEENTH Report of the Planning and Development Committee as adopted by City Council at its meeting held 1992 August 25.

21. A. That the City Clerk be directed to advise Hamilton-Wentworth Region that the City of Hamilton:

(a) endorses the modifications to Official Plan Amendment No. 80 to the City's Official Plan as proposed by the Region (Appendix "B") except for Modification No. 9;

(b) requests that Modification No. 9 be further modified as follows:

delete Clause (ii) of Policy C.4.9 and replace with:

"ensure that, where remedial actions plans are required by the Ministry of the Environment, no development will take place until notification is received from the Ministry that the decommissioning process has been satisfactorily completed. In this regard, Council will utilize means such as Site Plan Approval, the "H" (Holding zone provisions), etc., as a means to prohibit development;"

(c) requests a new Modification 14 be introduced as follows:

Item 19 be modified by deleting the preamble of Subsection 5 - General Land Use Provisions and replacing it with the following:

"It is the general intent of this Official Plan that all planning and development both public and private, within the City of Hamilton will be undertaken in compliance with the policies of this Plan. However, there are exceptions, where the operation of government, associated public bodies and institutions that are permitted "as-of-right", or without locational restriction throughout the City, with the exception of lands designated Escarpment Natural Area or Escarpment Protection Area as shown on Schedule "B" as Special Policy Area "1A" and "1B" wherein such uses must be in accordance with the Permitted

Uses as set out in Section A.2.9.1 and the Development Criteria of the Niagara Escarpment Plan. In addition, there are certain uses which are not acceptable within the City due to the danger they may pose to persons and/or property and therefore should be prohibited throughout the City."

(d) the modifications and land use changes as proposed by the Hamilton Harbour Commissioners' in their letter of 1992 May 27 (Appendix "C") cannot be supported.

B. The City Clerk be requested to forward a copy of this report to the Region and the Ministry of Natural Resources for their information.

CERTIFIED A TRUE COPY

CITY CLERK

1992 August 25

Appendix "B" as referred to in Section 21A(a) of the Fifteenth Report of the Planning and Development Committee for 1992

PROPOSED MODIFICATIONS TO AMENDMENT NO. 80 TO THE CITY OF HAMILTON OFFICIAL PLAN
(Revised 29 May 1992 to incorporate comments received as a result of circulation)

Modification 1

Subsection A.2.7.2 - Utility Uses, be revised as follows:

i) delete Policy A.2.7.2; and,

ii) renumber the other policies in the Subsection accordingly.

Modification 2

Section A - Land Use and Management Strategy, be revised by adding a new Subsection A.2.11 - Shipping and Navigation, to read:

"A.2.11 - SHIPPING AND NAVIGATION

It is the general intent of this Plan to recognize the role of the Harbour in the economy of the City and in particular, the activities of the Hamilton Harbour Commissioners in carrying out their activities of SHIPPING AND NAVIGATION.

2.11.1 The primary permitted uses in the areas designated on Schedule "A" as SHIPPING AND NAVIGATION will be for shipping terminals; marine freight; passenger handling facilities; related storage, vessel and barge docks; and other uses related to SHIPPING AND NAVIGATION."

Modification 3

Subsection A.3.2 - Environmentally Sensitive Areas, be revised by:

i) adding to Policy A.3.2.3, the words "...within or adjacent to lands..." after the words "...Where development or redevelopment is proposed on lands..." to read:

"A.3.2.3 Where development or redevelopment is proposed on lands within or adjacent to lands designated ENVIRONMENTALLY SENSITIVE AREAS, Council will consider...".

ii) adding a new clause (iv) to Policy A.3.2.3 to read:

"iv) in the case of Van Wagner's Marsh and Cootes Paradise, the Feasibility Study and Impact Analysis must make specific reference, in consultation with the Ministry of Natural Resources, to the criteria employed in the selection of these Provincially significant features. It must demonstrate that the development is compatible with long term maintenance of the Provincially significant features, in accordance with Provincial direction."

Modification 4

Subsection A.3.2 - Environmentally Sensitive Areas, be revised to add a new Policy A.3.2.10 to read:

"A.3.2.10 Cootes Paradise and Van Wagner's Marsh are Provincially Significant Wetlands. In addition, Cootes Paradise is a Provincially Significant Area of Natural and Scientific Interest. Council recognizes the Provincial significance of these

features and supports their protection in the long term."

Modification 5

Section A - Land Use and Management Strategy, be revised by adding a new Subsection A.3.5 - Land Fill Constraint Areas, to read:

"Landfill Constraint Areas are those lands which are known former municipal or industrial waste disposal sites. If effective control measures have not been implemented at the site, then methane gas and leachate can migrate laterally from the perimeter of the site. Methane gas and leachate can be generated in quantities and concentrations which can pose a risk to property and human health and safety. It is therefore appropriate to include policies to ensure due caution is exercised in the development/redevelopment of affected lands. Further, the Environmental Protection Act requires that approval for any use of a waste disposal site within 25 years of its closure be obtained in writing from the Minister of the Environment.

3.5.1 Where development is proposed within 500 metres of lands shown as "Land Fill Constraint Areas" on Schedule "I":

(a) the City, the Region and the Ministry of the Environment will be consulted regarding actions necessary to identify and mitigate any potential adverse environmental effects; and,

(b) to facilitate a recommendation by the Ministry of the Environment to the approving authority, evidence, will be provided to the City and to the Ministry that such development, including the construction of buildings, structures, and underground utilities and services, as well as hard surface paving, can safely take place.

3.5.2 No uses, except those approved by the City, and in writing by the Minister of the Environment pursuant to the Environmental Protection Act, as amended, will be permitted on lands used for waste disposal purposes within 25 years of termination of such use."

Modification 6

Item 19 be modified to revise Policy 5.1 by adding the word "generally" after the words "...land use compatibility" to read:

"5.1 Notwithstanding SECTIONS A, B AND C of this Plan, the following uses will be permitted within all land use designations provided that land use compatibility is generally maintained and it is keeping with the intent of the development standards set out in this Plan."

Modification 7

Item 19 be modified to revise clause iii) of Policy A 5.1 to read:

"iii) bona fide shipping and navigation by the Hamilton Harbour Commissioners, without purporting to limit the jurisdiction of the Parliament of Canada, the Federal Government, or the Hamilton Harbour Commissioners acting within the scope of the lawful jurisdiction in respect of shipping and navigation matters in accordance with Subsection D.8."

Modification 8

Subsection B.3.2 - Public Transit, be revised by adding the words "in accordance with the policies established by the Region" after the words "... locate TRANSIT stops" to read:

"B.3.2.8 In the preparation of Neighbourhood Plans, Council will encourage and cooperate with the Region's Transportation Department to locate TRANSIT stops in accordance with the policies established by the Region. Where possible and feasible, transit stops will be located in close proximity to passenger generators. Furthermore, Council will support, where practicable, the integration of those stops with pedestrian crosswalks."

Modification 9

Section C - Amenity and Design Strategy, be revised to add a new policy 4.9 to Subsection C.4 - Pollution, to read:

"4.9 Council recognizes the Ministry of the Environment's concerns regarding the potential for contamination of soils and supports its efforts for the decommissioning of such sites. Accordingly, where the development/redevelopment is proposed for lands currently or previously known to be used for industrial, transportation or utility purposes Council will, in the consideration of an amendment application to this Plan and/or the implementing zoning by-law:

(i) require the proponents to submit to the Ministry of the Environment, in accordance with that Ministry's requirements, a professional analysis of soils on the site determining the presence, type(s) and concentration of contaminants which may be hazardous to the environment and/or to human health as a prerequisite of development or redevelopment. Determination of contaminants for which analysis will be conducted will be based upon all present and previous uses of the site.

If the analysis identifies the presence of contaminants at concentrations above background levels, the Ministry will require the proponent to formulate and implement a remedial action plan in accordance with the Ministry's Guidelines for the Decommissioning and Clean-up of Sites in Ontario, (as may be amended.) This plan will be submitted to the Ministry for approval;

(ii) defer applications to rezoning and/or Official Plan amendments until notification is received from the Ministry that the decommissioning process has been satisfactorily completed, in cases where remedial action plans have been required; and,

(iii) require, in accordance with Ministry requirements, the proponent to submit documentation on previous uses of the property with the application for development/redevelopment to the City for circulation to the Ministry."

Modification 10

Section D.8 - Interpretation, be revised to add a new Subsection D.8.6, as follows:

"D.8.6 Nothing in this Plan shall be interpreted to mean that an undertaking which is subject to the Environmental Assessment Act may proceed except in compliance with that Act. The City will not give any licence, permit or approval that may lead to the commencement of any such undertaking until it has been approved or exempted under the Environmental Assessment Act."

Modification 11

Schedule "A" - Land Use Concept of the Official Plan Amendment No. 80 be revised by:

i) adding a new designation "Shipping and Navigation" to the legend, and,

ii) redesignating Piers 10 to 14 and Piers 25 to 27 from "Utilities" to "Shipping and Navigation".

Modification 12

Introduce a new Schedule "F - Land Fill Constraint Areas, to the Hamilton Official Plan

Modification 13

Renumber the items of Official Plan Amendment No. 80 accordingly.

landfill constraint areas
legend
1 King St./Kenilworth
2 Key Dredge Park
3 Hill Street Yard
4 Chatham/Fid
5 King/CP
6 Eastwood Park
7 Burlington/Victoria/Wentworth
8 Burlington/Birch
9 Burlington/Dapper
10 Brampton/Wentworth
11 Main/Dundurn
12 Upper Ottawa Landfill Site
schedule I
to the official plan
for
the City of Hamilton
December, 1991

1992 August 25

Appendix "C" as referred to in Section 21A(d) of the Fifteenth Report of the Planning and Development Committee for 1992

605 James St. N.
Hamilton, Ontario, Canada
L8L 1K1

Hamilton 525-4330
Toronto 1-800-263-2131
Telex 061-8438

Fax Numbers
Administration 525-67
Terminal 525-7258

The Hamilton Harbour Commissioners

CONFIDENTIAL & WITHOUT PREJUDICE

May 27, 1992

The Regional Municipality of Hamilton - Wentworth
P. O. Box 910
Hamilton, Ontario
L8N 3V9

Attention: Mr. A. L. Georgieff, MCIP

Dear Sir,

SUBJECT: Proposed Modifications to Official Plan Amendment No. 80, City of Hamilton

The above referenced has been reviewed by The Hamilton Harbour Commissioners and we submit the following comments and recommended changes for your consideration.

It is the view of the Commissioners that should the recommendations as set out herein be incorporated by the Region many of the long-standing planning disputes between the City and the Commissioners will be resolved. Moreover, acceptance will also permit the Commissioners to withdraw many of the appeals that we have filed against zoning by-law amendments.

As had been previously set out to the City in previous correspondence, we had anticipated that the Major Five-Year Review to the City's Official Plan would have resulted in more than just housekeeping measures. The latest proposals for modifications to the Plan are an improvement over the initial proposal, however we feel that additional policies relating to the Port of Hamilton are warranted.

The proposal that we have provided will assist in providing the much needed certainty and predictability for long-term economic growth in the Port and the region. The attached Appendix 1 - "An Overview of the Benefits of the Port of Hamilton" - provides a basis for the incorporation of appropriate policies in the Official Plan which will in turn assist in establishing the atmosphere for growth and prosperity. Our proposal will only serve to benefit and sustain this growth, while continuing to be consistent with the judgement set down by Mr. Justice Griffiths. In this regard, we believe that Mr. Justice Griffiths was very clear in confirming the role of the Harbour Commissioners in port planning. For example, in Hamilton Harbour Commissioners v. City of Hamilton (1978), 91 D.L.R. (3d) 353, page 366, Mr. Justice Griffiths concluded:

If a port is to remain competitive, it must have sufficient flexibility to adapt its land uses to all the changing needs. If its harbour is to survive, a harbour authority must have complete and absolute control over the harbour and surrounding lands to enable it to develop to its full potential.

The following are our specific comments relating to the proposed modifications dated March 13, 1992:-

Modification 1

We concur.

Modification 2

The intent of this modification is positive, however in our view does not go far enough to fully address the importance, role and function of the Port. We propose the following:-

"A.2.11 - SHIPPING, NAVIGATION AND PORT DEVELOPMENT

Council recognizes that the Port is an integral and important element to the social and economic fabric of the City and surrounding region and accordingly, it is the general intent of this Plan to recognize the role of the Port in this respect and in particular, the activities of The Hamilton Harbour Commissioners in carrying out their mandate of Shipping, Navigation and Port Development.

2.1.11 The primary permitted uses in the areas designated on Schedule 'A' as Shipping, Navigation and Port Development shall include, but not be limited to the following uses: uses which relate to the movement, management, safety and convenience of ships; uses involving the carriage of goods or passengers to other modes of transportation; related storage and processing; vessel and barge docks; industry and commerce related or complementary to, or necessary to the port; recreational boat facilities; and, the provision of services such as security, employment, immigration, labour, administration, technical, food, fuel, and maintenance."

We feel that like other land uses in the municipality, the Shipping, Navigation and Port Development land uses should also be protected from adjacent, potentially conflicting land uses. Accordingly, the following policy is proposed which is similar to that found in the Industrial Uses land use designation in the Official Plan:

> "2.1.12 Council shall ensure that other land uses which are proposed and which abut the areas designated on Schedule 'A' as Shipping, Navigation and Port Development are compatible with those uses set out in policy 2.1.11 and will protect the uses set out in policy 2.1.11 from other uses or other adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping or other like measures."

We believe that the Shipping, Navigation and Port Development designation should also be afforded the same policies as that found in other designations in the Official Plan respecting the provision of public services (policy 2.2.29, for example). We therefore, propose the following policy:

> "2.1.13 In order to enhance the viability of the Shipping, Navigation and Port Development designation, Council, where feasible and deemed appropriate, shall encourage and assist in the establishment and/or maintenance of the Port through the provision of highways, arterial roads, rail and public transit services."

Modification 3

No comment.

Modification 4

No comment.

Modification 5

At the outset, we are very concerned and disappointed that the land use designation and associated policies of Landfill Constraint Areas have been developed and proposed as part of modifications, and not as an amendment, without any consultation with The Hamilton Harbour Commissioners or the public. From a planning perspective, we are very surprised that no public meeting or other form of public consultation is proposed.

From our discussions and meeting with staff of the Ministry of the Environment, we understand that no technical reviews or investigations have been completed to determine the age, actual extent, contents, potential impacts, if any, and even existence of the identified landfill areas. We understand that the areas were identified by university students and through conversations with Regional and City staff.

Consequently, it is our position that prior to the designation of lands and surrounding areas, detailed field studies and research must be undertaken to verify the above information.

We are also concerned that the placement of the designation on lands of the Harbour Commissioners may lead to confusion given the various levels of government involved. In this respect, we request that the 500 metre zone be illustrated only on lands not owned by The Hamilton Harbour Commissioners since the Commissioners have their own internal procedures for the assessment, evaluation and screening of developments, capital works or changes in use. This code of practice is consistent with and will follow any and all applicable federal legislation and guidelines.

In summary, detailed investigations should first be completed. If the results demonstrate a need for further action, public consultation should occur. This consultation should ensure that any official plan amendments are co-ordinated with and take into account actions and plans of The Hamilton Harbour Commissioners with respect to these lands.

Modification 6

No comment.

Modification 7

This proposed modification is of some value, however the term bona fide should not be used since it will undoubtedly only lead to confusion as to what is bona fide shipping and navigation and what is not. We propose the following:

> "iii) shipping, navigation and port development uses by The Hamilton Harbour Commissioners, without purporting to limit the jurisdiction of the Parliament of Canada, the federal government, or The Hamilton Harbour Commissioners acting within the scope of the lawful jurisdiction in respect of shipping, navigation and port development matters in accordance with subsection D.8."

Modification 8

No comment.

Modification 9

No comment.

Modification 10

i) The new designation should read "Shipping, Navigation and Port Development";

ii) We have previously advised the Region and the City that the "Open Space" land use designation on Pier 8 is totally inappropriate since the Commissioners have no intent of using the terminal facility for anything but a shipping terminal within the planning horizon of the official plan. The "Open Space" designation does not recognize the investment and the current viable and successful use of the site, nor does it recognize the orderly development of shipping, navigation and port development activities.

iii) Pier 24 and the Windermere Basin area should also be redesignated to "Shipping, Navigation and Port Development" since they are either now or will soon be part of viable shipping and port development components of The Hamilton Harbour Commissioners.

iv) Finally, if any area of the port should be designated as "Shipping, Navigation and Port Development", it should be the open waters of the harbour. The harbour itself is used only for shipping and navigation uses and is fully under the ownership and control of The Hamilton Harbour Commissioners. Moreover, the reference in policy A.2.5.1 of the Official Plan to Ontario Regulation 118/70, as amended, is no longer applicable to the placement of fill materials in the Harbour. In Regina v. Hamilton Harbour Commission, June 10, 1977, Provincial Judge Ross Bennett on page 8 determined that:

> "the legislation referred to in the Information is ultra vires in the Hamilton Regional Conservation Authority (sic) and the Province of Ontario, so far as it relates to that area described in schedule five of the regulations."

Modification 11

See comments under the heading 'Modification 5'.

Modification 12

No comment.

Other Comments

We recommend that Policy D.8.4 be deleted and replaced with the following policy:

> "D.8.4 This Plan does not prohibit or otherwise attempt to regulate the use of land or Hamilton Harbour by The Hamilton Harbour Commissioners for shipping, navigation or port development purposes, as provided herein."

We recommend that Policy D.8.5 be amended by deleting the word bona fide and adding the words "and port development uses" after the word navigation since, as previously noted, the term bona fide will only lead to confusion and interpretation problems during the implementation of the official plan.

Should you wish to meet to discuss our comments and recommendations, please contact us at your convenience.

Yours very truly,

THE HAMILTON HARBOUR COMMISSIONERS

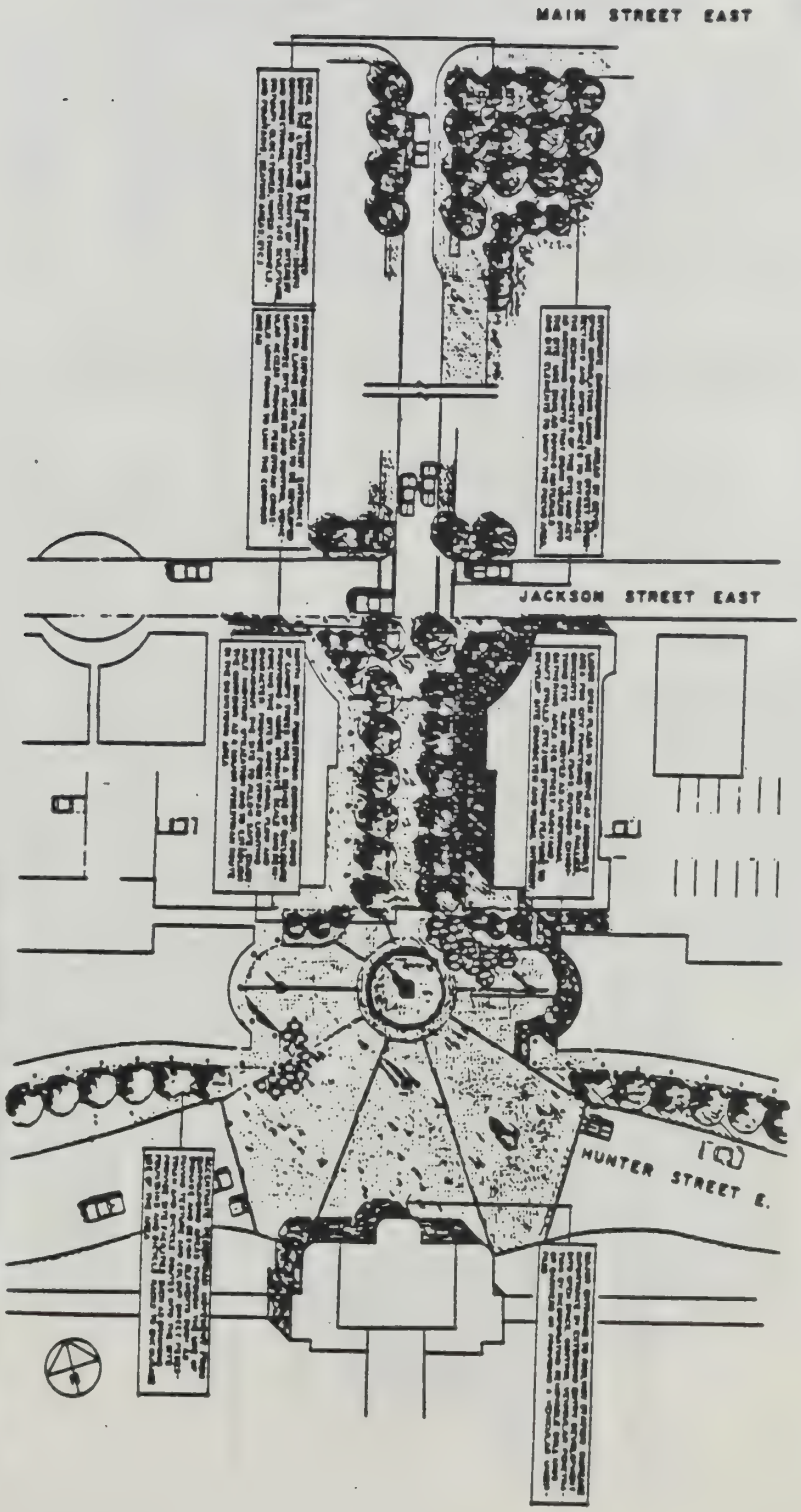
J. BROOKFIELD
PORT PLANNER

Enclosure

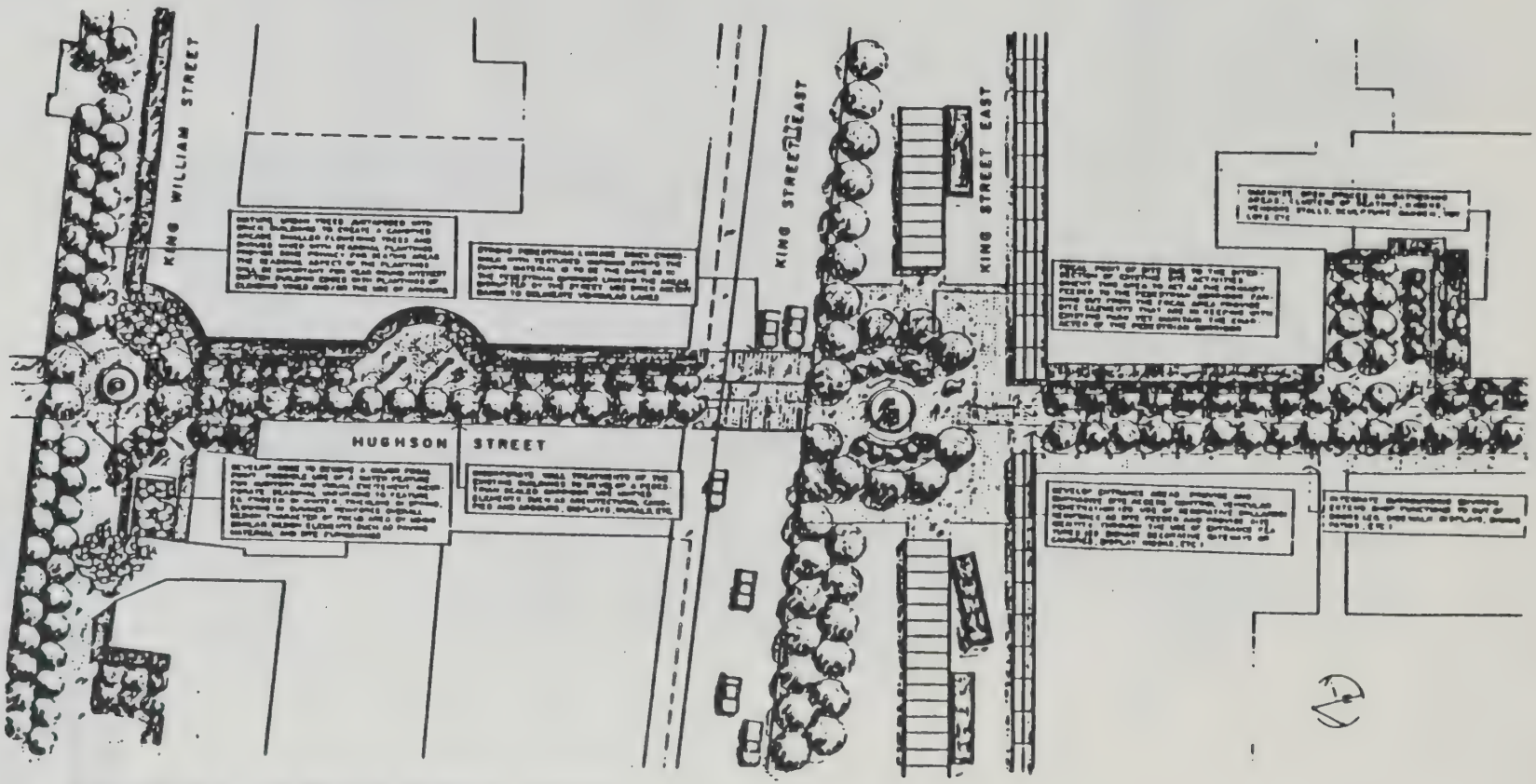
cc: Mr. Stanley Makuch
Borden & Elliot
Barristers and Solicitors

[redacted]

Appendix "F" as referred to
in Section 8 (a) of the Minutes
of The Planning and
Development Committee Meeting
Meeting held 1993 June 23



DESIGN GUIDELINES FOR
STREETSCAPING - PLAN A

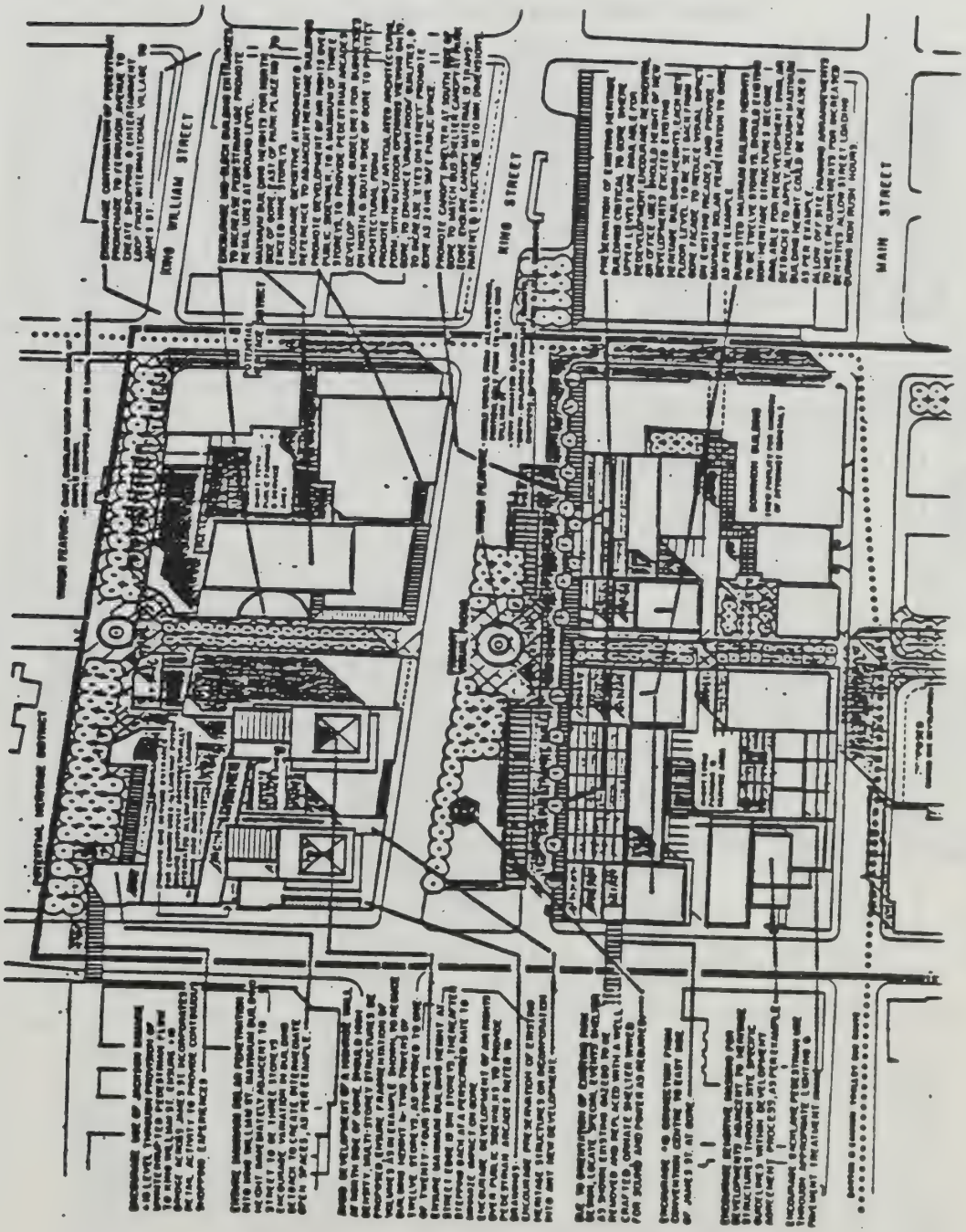


DESIGN GUIDELINES FOR
STREETSCAPING - PLAN B

Appendix "G" as referred to in Section 8 (k) of the Minutes of The Planning and Development Committee Meeting held 1993 June 23

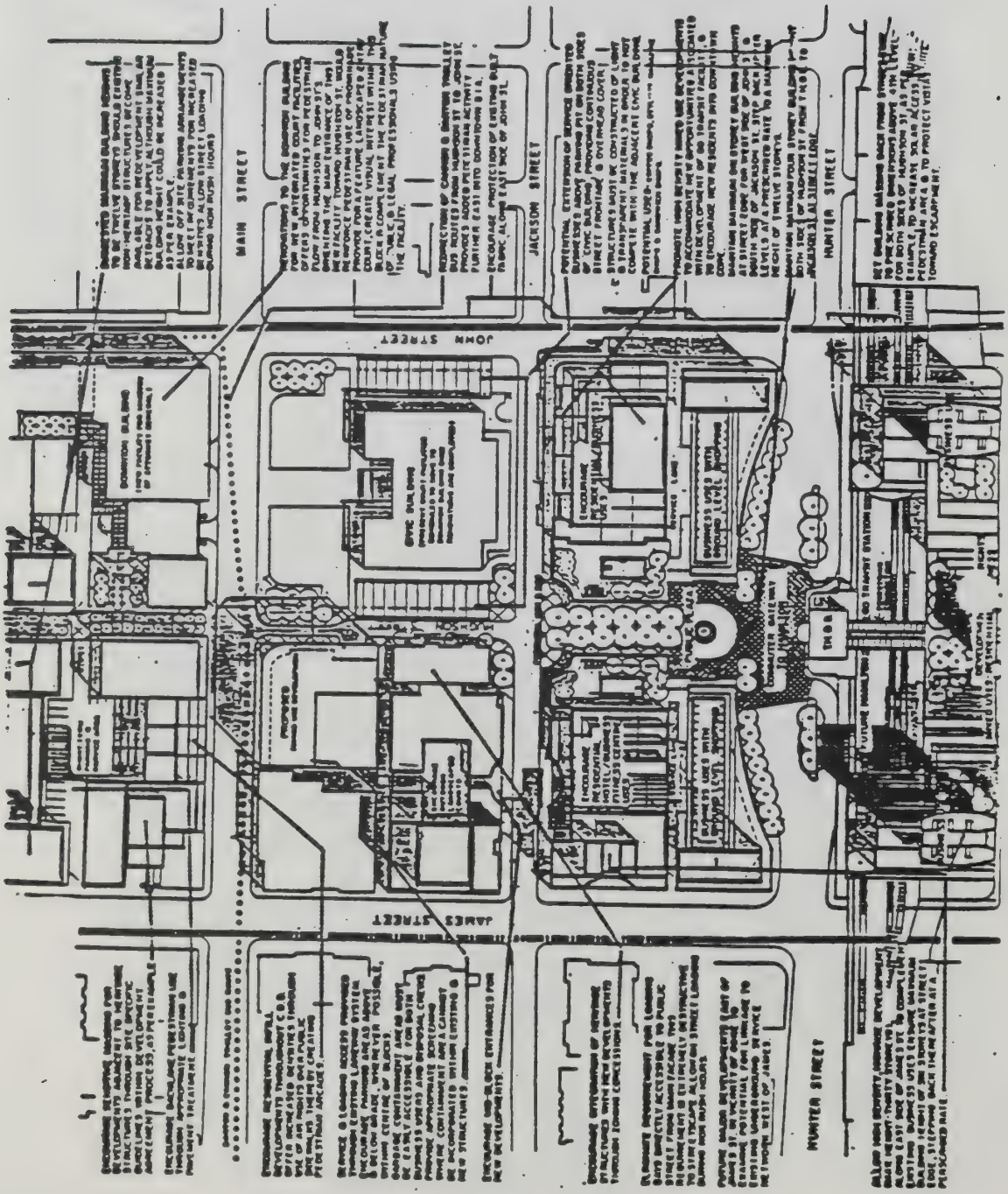
DEVELOPMENT CONCEPT PLAN

(KING WILLIAM STREET TO MAIN STREET)



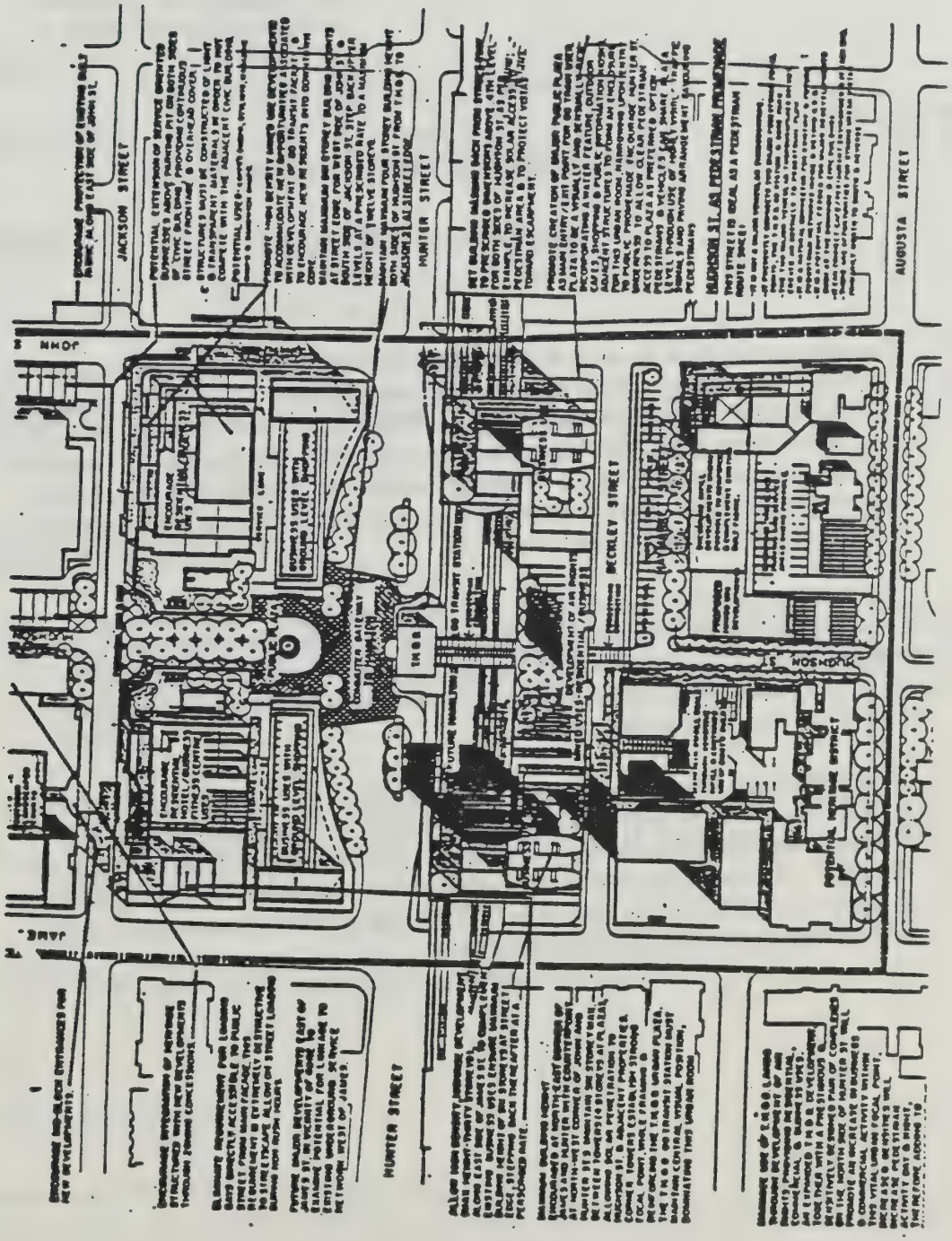
DEVELOPMENT CONCEPT PLAN

(MAIN STREET TO HUNTER STREET)



DEVELOPMENT CONCEPT PLAN

(HUNTER STREET TO AUGUSTA STREET)



Appendix "H" as referred
to in Section 10B of the
Minutes of The Planning
and Development Committee
Meeting held 1993 March 3

REASONS FOR DESIGNATION

Barton Stone United Church Cemetery

21 Stone Church Road West

The cemetery located to the south of Barton Stone United Church, on Upper James, was opened in 1847, when the church itself was completed. The cemetery and church together constitute one of the most noteworthy historic landmarks on Hamilton's Mountain and serve as a tangible reminder of the rural character of Barton Township, which is rapidly disappearing in the wake of urban development. The green open space of the cemetery, with its peaceful atmosphere, stone grave markers of varying design and size, and several trees, complements the adjacent stone church building.

The church and cemetery were once set further back from Upper James (originally the Caledonia Road), with a low stone wall running along the eastern and northern borders of the one-acre property. When this wall was removed in recent years due to its deteriorated condition, salvaged stones were used to construct decorative pillars for a new iron railing extending in front of the cemetery alone.

The cemetery, one of the oldest on Hamilton's Mountain, is part of the original acre of land purchased by the Presbyterians from Stephen Blackstone for a church and cemetery plot. The first gravestone was erected in 1847 for William Terryberry, a prosperous landowner and innkeeper. Prior to this, the Presbyterians of Barton Township were buried in William Rymal's cemetery on the Mohawk Trail, which was located next to the meeting house built in 1811 as a place of worship for Lutherans and Presbyterians.

B.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 July 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Touzel, Secretary
Local Architectural Conservation
Advisory Committee

RECEIVED
JUL 12 1993
CITY CLERKS

SUBJECT: Heritage Easement Agreement - Whitehern

RECOMMENDATION:

a) That approval be given by By-law for the City to enter into a Heritage Easement Agreement with the Ontario Heritage Foundation for the property of Whitehern at 41 Jackson Street West under Part 1V, Section 37 of the Ontario Heritage Act, 1989; and,

b) That the City Solicitor be authorized and directed to take appropriate action to have this Heritage Easement implemented pursuant to the provisions of the Ontario Heritage Act, 1989.

C Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

n/a

BACKGROUND:

As a condition of the provincial funding awarded to assist with the conservation/restoration work to be undertaken at Whitehern, the City of Hamilton (as the owner of the property) is required to enter into an Easement Agreement with the Ontario Heritage Foundation.

A Heritage Easement Agreement is a legal document, registered on title, which insures that the building will not be demolished and that any changes to specified heritage features be approved by the public body with which the agreement is made (in this case, the Ontario Heritage Foundation).

c.c. Victor Abraham, Director of Local Planning
Patrice Noé-Johnson, City Solicitor, Law Department
Nina Chapple, Planning Department

C.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 July 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: D. W. Vyce
Director of Property

RECEIVED
JUL 14 1993
CITY CLERKS

SUBJECT: **Termination of Lease**
1086 West 5th Street
Willis Lingelbach and Jean Lingelbach

RECOMMENDATION:

a) That the existing Lease for 1086 West 5th Street between the City of Hamilton and Willis Lingelbach and Jean Lingelbach be terminated by the City in accordance with the six (6) month notice to terminate provision in the subject lease and that demolition of all structures at 1086 West 5th Street take place upon the City receiving vacant possession and costs for the demolition be charged to Account Centre No. CH 00201 (Reserve for Parkland).

b) That the City Solicitor be authorized and directed to prepare the necessary notice of termination of the Lease.

c) That the Director of Property be authorized and directed to enter into negotiations with Willis Lingelbach and Jean Lingelbach for the purpose of obtaining an early vacant possession date of October 31, 1993.

D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation.

BACKGROUND:

On November 9, 1965, City Council adopted Item 15 of the Report of the Board of Control approving the purchase of the property at 1086 West 5th Street (Connell Farm) for future park purposes.

The subject property was occupied by Willis and Jean Lingelbach at the time of purchase who subsequently became tenants of the City commencing May 1, 1966 and have remained as tenants since that time. They currently make payments of $275.00 per month plus applicable taxes.

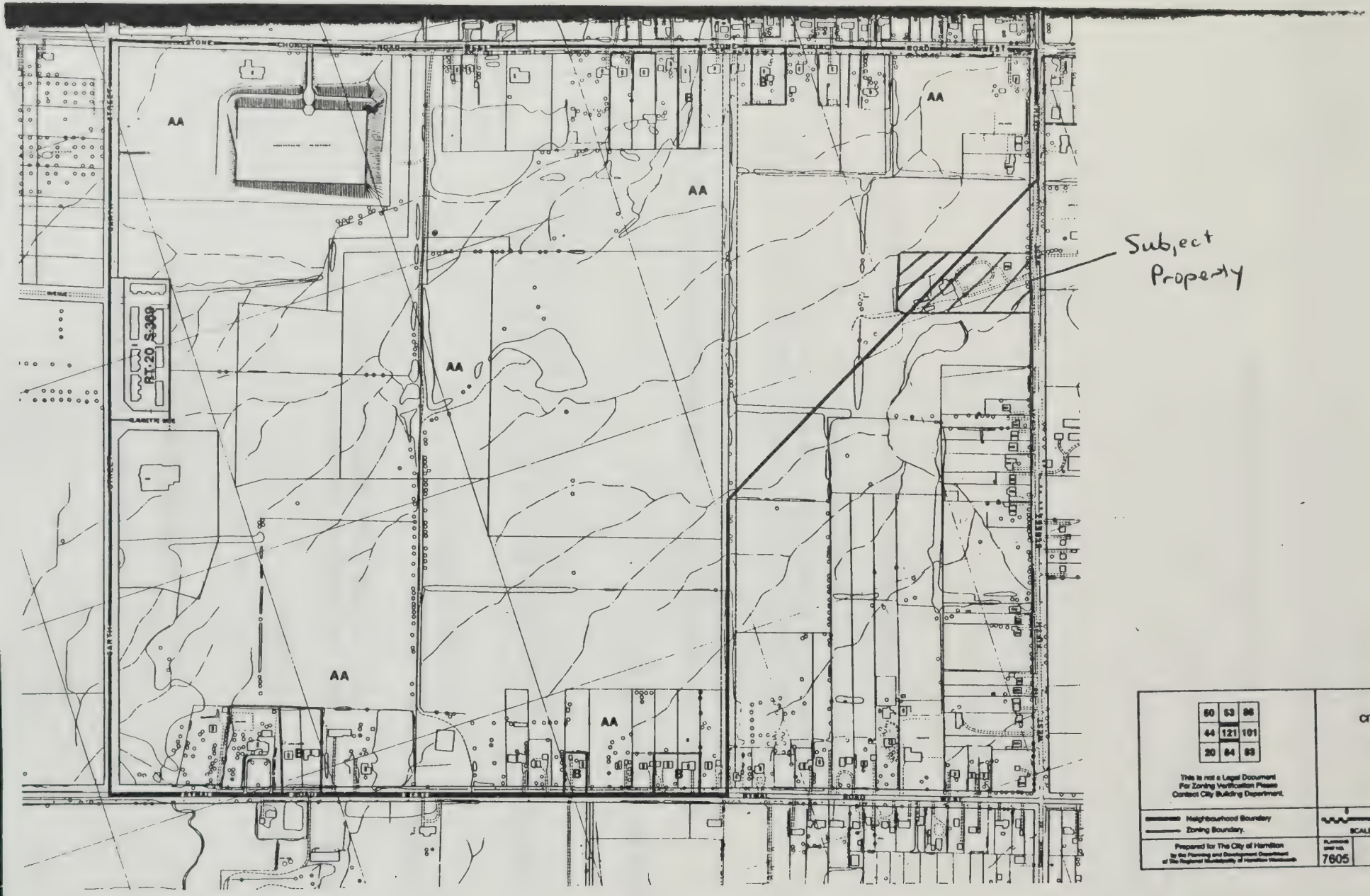
Upon receiving an inquiry from the tenants regarding the condition of the old farm house, a detailed inspection of the house was carried out in February of 1993 by the City's Building Operations and Maintenance Division. Subsequent to the inspection, a report has been received outlining that there exists significant structural inadequacies and several other service and architectural problems which have occurred over a period of time. The report estimated that costs to repair these problems could possibly be in excess of $50,000.

In addition, S.P. Design Inc. were commissioned to also survey the condition of the house. Their report stated that "in particular the deteriorated condition of the load bearing wood frame walls should not be considered safe for occupancy for another winter season when more extensive inspection and repairs are made to strengthen weak and deteriorated portions of the floors, walls and roof structures".

In view of these two reports and the substantial amount of funding that would be required to upgrade the property to a safe and acceptable level, we respectfully recommend that the present Lease be terminated and demolition of all structures on the subject property take place immediately upon receiving vacant possession.

Although the existing Lease with Willis and Jean Lingelbach sets out that the tenants be given six (6) months from the date they receive notice to vacate the premises, we believe that in light of the information received in the reports from the City's Building Operation and Maintenance Division and S.P. Design Inc., that an early vacant possession date of October 1, 1993 is desirable.

KN/nw
Attach.
c.c. Allan C. Ross, Treasurer, Treasury Department
P. Noé Johnson, City Solicitor, Law Department
R. Swan, Manager, Building Operations and Maintenance Division, Property Department
B. Chrystian, Manager of Parks, Public Works Department



60	53	86
44	121	101
20	84	83

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

CITY OF HAMILTON

SHELDON

ZONING

Neighbourhood Boundary
Zoning Boundary.

SCALE

Prepared for The City of Hamilton
by the Planning and Development Department
of the Regional Municipality of Hamilton-Wentworth

PLANNING AREA NO. 7605

JUNE 1988

PAGE NO. 121

D.

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
JUL 12 1993
CITY CLERKS

DATE: 1993 July 7

REPORT TO: Mrs. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

SUBJECT: Barton Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1993.

RECOMMENDATION:

a) That the 1993 operating budget of the Barton Street B.I.A. be approved in the amount of $5,000.

b) That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1993 budget as referenced in (a) above; and,

c) That the following Schedule of Payments for 1993 be approved:

01 August 1993
01 November 1993

NOTE: 1992 Levy Arrears will be deducted from the two payments for 1993.

Mr. D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of five thousand dollars ($5,000.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this five thousand dollar ($5,000.) operating budget.

BACKGROUND:

At its Annual General Meeting held 1993 June 23, the Barton Street B.I.A. adopted a budget of five thousand dollars ($5,000.).

HM:hm

c.c. Mr. A. Ross, City Treasurer
Treasury Department
Att: Mr. T. Bradley, Asst. Supervisory Business Tax

HAMILTON GENERAL BIA

1993 BUDGET

ADVERTISING	$ 3,000.00
EXPENSES	$ 1,000.00
PROMOTIONS	$ 1,000.00
TOTAL	$ 5,000.00

E.

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
JUL 12 1993
CITY CLERKS

DATE: 1993 July 9
S703-85, M.J. Inrig

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: Mr. E. M. Gill, P.Eng.
Senior Director
Roads Department

SUBJECT: **"Claudette Gardens - Phase 4", Hamilton**
(Cash in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

a) That the City of Hamilton accept the sum of **$10,430.00** as cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 4", Hamilton, this being the cash payment required under Section 50 of the Planning Act.

The lands of "Claudette Gardens - Phase 4" are located west of Garth Street and north of Rymal Road West in the Falkirk East Planning Neighbourhood.

E.M. Gill, P.Eng

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financial costs to the City associated with this report.

BACKGROUND:

The Owner of "Claudette Gardens - Phase 4" (800064 Ontario Inc.) will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the final plan has been attached for your information.

Cont'd.....

"Claudette Gardens - Phase 4", Hamilton
(Cash in Lieu of 5% Parkland Dedication)

Cont'd.....

In accordance with normal City policy, City and Regional staff have completed calculations for the 5% cash payment in lieu of parkland dedication. The amount to be included in the City's Subdivision Agreement is $10,430.00.

MJI

cc: D. Cobb, City Treasury Department
cc: R. Buckle, City Property Department

F a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 13, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: NEW BUILDING BY-LAW
UNDER THE BUILDING CODE ACT 1992

RECEIVED
JUL 13 1993
CITY CLERKS

RECOMMENDATION:

That City Council enact a By-Law to amend By-Law 85-86 regulating building permit and fees, in accordance with the Building Code Act 1992.

Len C. King, P. Eng.

Patrice Noé Johnson

LCK/WKW/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The present Building Code By-Law 85-86 was enacted in accordance with the Building Code Act, 1980, Chapter 365 of Ontario, which authorized a municipality to pass by-laws for building permits and fees. Since the date that By-Law 85-86 was passed, the Building Code Regulations have undergone several amendments, however, the Building Code Act has not been updated. The Ministry of Housing began the process of amending the Building Code Act in 1986 with the co-operation and participation of Building Officials and other building industry professionals.

As of July 1, 1993, the Building Code Act, 1992 came into effect. The Building Code Act contains considerable amendments in regards to section references, classes of building permits, types of orders and the incorporation of the Plumbing Code into the Building Code, therefore it is necessary to amend the current City of Hamilton Building Code By-Law 85-86 in order to accommodate the new features of the Building Code Act, 1992.

The attached is the recommended amended Building By-Law, which is based on a model by-law prepared by T.A.C.B.O.C. (Toronto Area Chief Building Officials Committee), of which the City of Hamilton Building Department is a member.

For the information of the Committee, one of the new features of the Building Code Act, 1992 is the inclusion of a change of use permit. Under Section 10 of the new Act, a change of use permit may be required where a change in use may result in an increase in hazard as determined under the Building Code, even though no construction is proposed.

The Real Estate Subcommittee of the Hamilton Law Association and the Hamilton Real Estate Board have been advised of this new change during our recent Liaison Committee meeting. Some of the local design professionals (architects and engineers) who attended last month's new Building Code seminar organized by our Department, also are aware about the change of use permit.

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Authorize

BUILDING PERMITS AND FEES

WHEREAS Section 7 of the Building Code Act, 1992, S.O. 1992, Chapter 23, authorizes a municipal council to pass by-laws concerning the issuance of permits and related matters.

AND WHEREAS the Council of The Corporation of the City of Hamilton, on July 27, 1993, in adopting Item (specify) of the (specify) Report of the Planning and Development Committee authorized this by-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. SHORT TITLE

This By-law may be cited as the "Building Permit By-law".

2. DEFINITIONS AND WORD USAGE

In this By-law:

(1) (a) "**Act**" means the Building Code Act, 1992, as amended.

(b) "**applicant**" means the **owner** of a building or property who applies for a **permit** or any person authorized by the **owner** to apply for a **permit** on the owner's behalf, or any person or corporation empowered by statute to cause the demolition of a building or buildings and anyone acting under the authority of such person or corporation.

(c) "**Building Code**" means the regulation made under Section 34 of the **Act**.

(d) "**Chief Building Official**" means the Chief Building Official appointed by Council under Section 3 of the **Act**.

(e) "**owner**" means the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property.

(f) "**permit**" means permission or authorization given in writing by the **Chief Building Official** to perform work regulated by the **Act** and **Building Code**, or to occupy a building or part thereof or to change the use of a building.

(g) "**permit holder**" means the person to whom the **permit** has been issued and who assumes the primary responsibility for complying with the **Act** and the **Building Code**.

3. CLASSES OF PERMITS

Classes of **permits** required for construction, demolition or change of use are set forth in Schedule "A" appended to and forming part of this By-law.

4. PERMITS

(1) To obtain a **permit**, an **applicant** shall file an application in writing on forms prescribed by and available from the **Chief Building Official**, and shall supply any other information relating to the application as required by the **Chief Building Official**.

(2) Every building **permit** application shall:

(a) identify and describe in detail the work, use and occupancy to be covered by the **permit** for which the application is made;

(b) identify and describe in detail the existing uses and the proposed use(s) for which the premises are intended;

(c) describe the land on which the work is to be done, by a description that will readily identify and locate the site on which the building or demolition is to occur;

(d) be accompanied by plans and specifications as described in the By-law;

(e) be accompanied by the required fees as calculated in accordance with Schedule "A";

(f) state the names, addresses and telephone numbers of the **owner**, **applicant**, architect, engineer or other designer, and the constructor of person hired to carry out the demolition, as the case may be;

(g) when Section 2.3 of the **Building Code** applies, be accompanied by a signed acknowledgment of the **owner** on a form prescribed by the **Chief Building Official** that an architect or professional engineer, or both, have been retained to carry out the general review of the construction or demolition of the building;

(h) when Section 2.3 of the **Building Code** applies, be accompanied by a signed statement of the architect or professional engineer, or both, on a form prescribed by the **Chief Building Official**, undertaking to provide general review of the construction or demolition of the building;

(i) include, where applicable, the registration number of the builder or vendor as provided in the Ontario New Home Warranties Plan Act;

(j) state estimated valuation of the proposed work including material and labour; and

(k) be signed by the **applicant** who shall certify as to the truth of the contents of the application.

(3) In addition to the requirements of subsection (2) above, every demolition **permit** application shall:

(a) when Section 2.3 of the **Building Code** applies, be accompanied by structural design characteristics of building and the method and time schedule of the demolition;

(b) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services; and

(c) the form specified by the **Chief Building Official**.

(4) In addition to the requirements of subsection (2) above, every building **permit** application for part of a building shall:

(a) include an application for the entire project; and

(b) include plans and specifications covering the part of the work for which more expeditious approval is desired, together with such information pertaining to the remainder of the work as may be required by the **Chief Building Official**.

(5) In addition to the requirements of subsection (2) above, every conditional **permit** application for the construction of a building shall:

(a) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional **permit** is not granted; and

(b) state necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained.

(6) In addition to the applicable requirements of subsection (2) above, every change of use **permit** application shall:

(a) describe the building or part thereof in which the occupancy is to be changed; and

(b) include plans and specifications which show the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the **Building Code** including, floor plans, details of wall, floor and roof assemblies identifying required fire resistance rating and load bearing capacities.

(7) The **Chief Building Official** shall, where conditions in subsection (4) above have been fulfilled, issue a **permit** for part of a building subject to compliance with the **Act**, the **Building Code** and any applicable law.

(8) The **Chief Building Official** may, where conditions in subsection 8(3) to 8(5) of the **Act** and subsection (5) above have been fulfilled, issue a conditional **permit** for a building subject to compliance with the **Act**, the **Building Code** and any applicable law.

(9) The **Chief Building Official** shall not, by reason of the issuance of a **permit** or **permits** for a part or parts of the building issued under subsections (4) and (5), be under any obligation to grant any further **permit** or **permits** therefor.

(10) Where an application for a **permit** remains incomplete or inactive for six months after it is made, the application may be deemed by the **Chief Building Official** to have been abandoned and notice thereof shall be given to the **applicant**.

5. PLANS AND SPECIFICATIONS

(1) Every **applicant** shall furnish,

(a) sufficient plans, specifications, documents and other information to enable the **Chief Building Official** to determine whether the proposed construction, demolition, or change of use conforms to the **Act**, the **Building Code**, and any other applicable law; and

(b) a site plan referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such a survey shall be filed with the municipality unless this requirement is waived because the **Chief Building Official** is able, without having a current plan of survey, to determine whether the proposed work conforms to the **Act**, the **Building Code**, and any other applicable law. Site plan will include

i) lot size and dimensions of property lines and setbacks to any existing or proposed buildings;

ii) existing and finished ground levels or grades; and

iii) existing right of way, easements and municipal services.

(2) Plans submitted shall be legible and be drawn to scale upon paper or other suitable and durable material.

(3) The **Chief Building Official** shall determine the number of plans, specifications, documents and other information required to be furnished with an application for **permit** having regard for the requirements of any **Act**, regulation or By-law respecting the examination or circulation of the application.

(4) On completion of the construction of a building, the **Chief Building Official** may require a set of as constructed plans, including a plan of survey showing the location of the building.

(5) Plans and specifications furnished according to this By-law or otherwise required by the **Act** become the property of the municipality and will be disposed of or retained in accordance with relevant legislation.

6. FEES

(1) The **Chief Building Official** shall determine the required fees calculated in accordance with Schedule "A" for the work proposed and the **applicant** shall pay such fees. No **permit** shall be issued until the fees therefor have been paid in full.

(2) In the case of withdrawal, or abandonment of an application, pursuant to subsection 4(10), refusal for issuance of a **permit** or request for revocation of a **permit** under Clause 8(10)(e) of the **Act** and upon written request, the **Chief Building Official** shall determine the amount of fees, if any, that may be refunded, in accordance with Schedule "B" attached hereto and forming part of this By-law.

(3) Subject to subsection 7(1), there shall be no refund of **permit** fees where a **permit** has been revoked.

(4) Every person applying for a **permit**, when construction, demolition or a change in the use of the building has commenced prior to the issuance of the required **permit**, shall pay the fee required by Schedule "C" as well as the **permit** fee set out in Schedule "A" attached hereto and forming part of this By-law.

7. PERMIT REVOCATION, DEFERRAL OF REVOCATION AND TRANSFER

(1) Revocation of Permit

Prior to revoking a **permit** under Clauses 8(10)(b) and (c) of the **Act**, the **Chief Building Official** shall give written notice by regular mail of intention to revoke to the **permit holder** at his last known address and, if on the expiration of thirty (30) days from the date of such notice, the ground for revocation continues to exist, the **permit** may be revoked without further notice and all submitted plans and other information may be disposed of.

(2) Deferral of Revocation

(a) On receipt of a notice of intention to revoke a **permit**, a **permit holder** may request in writing within thirty (30) days from the date thereof the **Chief Building Official** to defer the revocation of such **permit**.

(b) A request for deferral shall set out the reasons why the **permit** should not be revoked and the date by which the work will be commenced or resumed.

(c) Having considered the circumstances of the request and having determined that there have been no changes to the **Act** and the **Building Code** and any other applicable law which would have prevented the issuance of the original **permit**, the **Chief Building Official** may allow a deferral to a prescribed date, and shall notify the **permit holder**.

(d) A request for deferral of revocation is subject to a fee in accordance with Schedule "B".

(3) Transfer of Permit

(a) **Permits** are transferrable only upon the new **owner** completing a **permit** application form to the requirements of section 4.

(b) A fee, as prescribed in Schedule "A" shall be payable on a transfer of **permit** by the new **owner** who shall thenceforth be the **permit holder** for the purpose of the **Act** and the **Building Code**.

8. NOTIFICATIONS

Notices for inspections respecting stages of construction required by the **Building Code** shall be given by the **permit holder** to the **Chief Building Official** at least two business days in advance of each stage of construction specified therein.

9. SEVERABILITY AND SAVING

Should a court of competent jurisdiction declare a part or the whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law.

10. REPEAL

By-law No. 85-86, as amended, is hereby repealed.

PASSED this day of , 1993.

CITY CLERK MAYOR

(1993) **(specify)** R.P.D.C. **(specify), July 27**

SCHEDULE "A"

TO BY-LAW NO. 93-

FEES

CLASS OF PERMIT (Column 1)	FEE (Column 2)
1. Permit for the construction of a building or part thereof	Basic Fee of $150.00 for construction up to $10,000.00 **PLUS** an amount calculated at the rate of $9.00 per each $1,000.00 or part thereof of the cost or valuation of construction in excess of the first $10,000.00
2. Permit for installation of air conditioning unit, heat pump	$75.00
3. Permit for re-shingling of roof for single family dwelling	$75.00
4. Permit where the cost of construction is less than $1,000.00	$75.00
5. Permit for the installation of a tent	$40.00
6. Permit for the demolition of:	
(1) a building	$220.00 plus an amount calculated at the rate of $25.00 per each additional 3,000 cubic metres or part thereof in excess of the first 3,000 cubic metres
(2) a non-serviced accessory building	$100.00
(3) a garage or shed of a single family dwelling	$75.00
7. Permit to authorize the occupancy of a building or part thereof,	
(1) first inspection	No fee
(2) each inspection after first inspection	$35.00
8. Permit for change of use	$150.00
9. Transfer of Permit	$0.00

SCHEDULE "B"

TO BY-LAW NO. 93-

REFUND OF PERMIT FEES

1. The fees that may be refunded shall be a percentage of the Fees payable under this By-law, as follows:

   (i) 80 per cent if administrative functions only have been performed;

   (ii) 70 per cent if administrative and zoning functions only have been performed;

   (iii) 45 per cent if administrative, zoning and plan examination functions have been performed;

   (iv) 35 per cent if the permit has been issued and no field inspections have been performed subsequent to permit issuance;

   (v) 5 per cent shall additionally be deducted for each field inspection that has been performed after the permit has been issued.

2. Notwithstanding paragraph numbered 1 to this Schedule, no refund shall be made of an amount less than $10.00.

Work Completed Prior to Permit Issuance (Column 1)	Increase in Permit Fee (Column 2)
(a) Footings and Foundations	10%
(b) Structural Framing	25%
(c) Mechanical/Electrical Systems	50%
(d) Architectural	75%
(e) Building Completed	100%
(f) Demolition or Partial Demolition	100%

F b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 13, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED
JUL 13 1993
CITY CLERKS

FROM: L.C. King,P.Eng.
Building Commissioner

SUBJECT: HAMILTON EMERGENCY LOAN PROGRAMME (H.E.L.P.) (93.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two hundred and fourteen dollars ($214) be approved for Bonnie Reid, 101 Balmoral Avenue North, Hamilton. The interest rate will be 8 per cent amortized over two years.

L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the federally or provincially sponsored loan and grant programmes. A maximum loan of $2,000 could be approved providing the emergency repair fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially be a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.

...2

The Building Department, Loans Division, recently finalized a Emergency Loan for Bonnie Reid, 101 Balmoral Avenue North in the amount of $214. The plumbing repair has been addressed, and the Department recommends approval in the amount of $214 at 8% interest and amortized over two (2) years. A Lien on title will not be registered.

c.c. R. Camani, Treasury
D. Powers, Law Department

F c) i)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: July 13, 1992

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: COMMERCIAL LOAN PROGRAMME
440 BARTON STREET EAST (93.2.4.2.1.A)

RECEIVED
JUL 13 1993
CITY CLERKS

RECOMMENDATION:

That a Commercial Facade Loan in the amount of twenty five thousand dollars ($25,000) be approved for Joseph Bujan, 440 Barton Street East, Hamilton. The interest rate will be 3 percent, amortized over ten years.

L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 440 Barton Street East has applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Ottawa Street Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to Joseph Bujan for improvements to 440 Barton Street East in the amount of $25,000. The loan will be amortized over a 10 year period at 3 per cent interest. The monthly payments will be $241.40 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

F c) ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 13, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED
JUL 14 1993
CITY CLERKS

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: COMMERCIAL LOAN PROGRAMME
1016 KING STREET WEST (93.2.4.2.1.A)

RECOMMENDATION:

That a Commercial Loan in the amount ten thousand dollars ($10,000) be approved for Karen Zizzo, 1016 King Street West, Hamilton. The interest rate will be 3 per cent, amortized over 10 years.

L.C.King, P.Eng
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The owner of 1016 King Street West has applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of the repairs.

...2

The Westdale Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to Karen Zizzo for improvements to 1016 King Street West in the amount of $10,000. The loan will be amortized over a 10 year period at 3 per cent interest. The monthly payments will be $96.56 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

Fd)i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 8, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED
JUL 13 1993
CITY CLERKS

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
128 ST. CLAIR AVENUE (93.2.4.2.1.A)

RECOMMENDATION:

That a Designated Grant in the amount of Three thousand dollars ($3,000) be provided to Bryan and Mary Markham, 128 St. Clair Avenue, Hamilton.

L.C.KING, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee in a report dated December 6, 1982 approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of $10,000 for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement will reimburse the municipality for funds advanced under the Programme, plus the 10% administration fee.

...2

The terms of the Programme provide the owners of heritage properties with a grant of up to $3,000 or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council. The owners of the designated property located at 128 St. Clair Avenue have applied under the Programme to paint the exterior of the house.

As per the terms of the Programme, the Local Architectural Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of J & D Painters and Decorators.

The Loans Section of the Building Department therefore recommends a Designated Property Grant in the amount of $3,000.

c.c. R. Camani, Treasury Department

F d)ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 13, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED
JUL 14 1993
CITY CLERKS

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
188 MARKLAND STREET, HAMILTON (93.2.4.2.1.A)

RECOMMENDATION:

That a Designated Grant in the amount of six hundred and eighty ($680) be provided to Zen Masniak, 188 Markland Street, Hamilton.

L.C.KING, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee in a report dated December 06, 1982 approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of $10,000 for the purpose of implementing the Programme. The Province of Ontario, as per the terms of the executed agreement, will reimburse the municipality for funds advanced under the Programme, plus the 10% administration fee.

...2

The terms of the Programme provide the owners of heritage properties with a grant of up to $3,000 or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council. The owners of the designated property located at 188 Markland Street have applied under the Programme to paint the exterior of the house.

As per the terms of the Programme, the Local Architectural Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Thompson Construction.

The Loans Section of the Building Department therefore recommends a Designated Property Grant in the amount of $680.

c.c. R. Camani, Treasury Department

Fe)i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 13, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

RECEIVED
JUL 13 1993
CITY CLERKS

SUBJECT: Demolition of:
30 CLYDE STREET - Tag Number 89768
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 30 Clyde Street.

L.C. King, P. Eng.
EB
LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D (Residential)

PRESENT USE: Vacant Single Family Dwelling

PROPOSED USE: Erect new Single Family Dwelling

BRIEF DESCRIPTION: 1½ storey frame house

Owner wishes to demolish house and erect a new one. Poor condition with siding removed. No LACAC interest. Lot size 33.3' x 75.5'.

The owner of the property as per the demolition permit is:

Inacio Sousa
50 Clyde Street
Hamilton, Ontario

Fe)ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 13, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

RECEIVED
JUL 1 3 1993
CITY CLERKS

SUBJECT: Demolition of:
16 LANCASTER STREET - Tag Number 89641
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 16 Lancaster Street.

L.C. King, P. Eng.
EB
LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: K (Heavy Industrial)

PRESENT USE: Unoccupied Single Family Dwelling

PROPOSED USE: Parking Area

BRIEF DESCRIPTION: 1 storey solid-brick building

Owner wishes to demolish house and extend the existing parking area for the company. No LACAC interest. Lot size 100' x 163'.

The owner of the property as per the demolition permit is:

Venetian Meats & Salami Co.
947 Burlington Street East
Hamilton, Ontario

Fe)iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 13, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
38 MILES ROAD - Tag Number 89632
(93.1.1.A)

RECEIVED
JUL 13 1993
CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 38 Miles Road.

L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: B & AA (Residential and Agriculture)

PRESENT USE: Occupied Single Family Dwelling

PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: 1 storey frame stucco building

Owner wishes to demolish house with attached garage and erect new dwelling. No LACAC interest. Lot size 125' x 300'.

The owner of the property as per the demolition permit is:

Elia Castronovo & Robert Guagliano
38 Miles Road
Hamilton, Ontario

Fe) iv)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 13, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED
JUL 13 1993
CITY CLERKS

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
184 PROVINCE STREET NORTH - Tag Number 89810
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 184 Province Street North.

L.C. King, P. Eng.

EB

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D (Residential)

PRESENT USE: Vacant Single Family Dwelling

PROPOSED USE: 2 New Single Family Dwellings

BRIEF DESCRIPTION: 2 storey wood frame with rear 1 storey addition

Owner wishes to demolish building which is in poor condition, divide the lot and building 2 new dwellings. Lots have not been approved. No LACAC interest. Lot size 62.5' x 104.25'.

The owner of the property as per the demolition permit is:

Carmine Ricciardone
1871 Main Street East
Hamilton, Ontario

Fe) v)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 13, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

RECEIVED
JUL 13 1993
CITY CLERKS

SUBJECT: Demolition of:
1285 UPPER GAGE AVENUE - Tag Number 89829
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1285 Upper Gage Avenue.

L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: RT-20/S-1229 (Townhouse-Maisonette)

PRESENT USE: Vacant Single Family Dwelling

PROPOSED USE: 13-unit Townhouse Project

BRIEF DESCRIPTION: 1½ storey, insul brick dwelling

Demolish dwelling which is boarded up and in a deteriorated condition for new townhouse development. By-Law 91-125 approved. No LACAC interest. Lot size 112' x 313'.

The owner of the property as per the demolition permit is:

Hamilton Housing Corporation
71 Main Street West
Hamilton, Ontario

Gail

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 July 12
DA-90-100 (ZA-90-06)
Beasley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

RECEIVED
JUL 1 3 1993
CITY CLERKS

SUBJECT: Site Plan Control Application DA-90-100 and Zoning Application ZA-90-06 for a residential condominium and community shopping centre at 260-280 King Street East.

RECOMMENDATION:

A. That approval be given to Site Plan Control Application DA-90-100 by Agommen Group 1 Ltd., owner, of lands known as 260-280 King Street East for a residential condominium and community shopping complex subject to the following:

i) modification to the plan in relation to notes, dimensions and number of parking spaces as marked in red on the plan;

ii) submission of a revised grading plan to the satisfaction of the Senior Director of Development, Roads Department;

iii) modification to the plan to clarify the layby, sidewalk location, and building overhang along King Street as marked in red on the plan;

iv) dedication of approximately 4.572 m (15 ft.) along King Street for the proposed layby and sidewalk;

v) provision of the appropriate encroachment and paving agreements with the Region for the proposed layby, sidewalk, and building overhang at the cost of the owner;

vi) that the revised plans be incorporated into a Site Plan Control Agreement to be registered on title of the land, as required as a condition of approval of the Zoning Application; and further,

B. That in regard to Zoning Application ZA-90-06 the following resolution be forwarded to City Council for approval:

That Item 21.(a) of the Sixteenth Report of the Planning and Development Committee to City Council on 1990 September 25, respecting Zoning Application ZA-90-06 by Agomen Group I Ltd., owner of lands of 260-280 King Street East be amended as follows:

i) amend Item 21.(a)(i)(3) to modify the minimum landscape area from 698.0 m^2 (7,520 sq.ft.) to 600.0 m^2 (6,458 sq.ft.).

ii) add the following new clause as Item 21.(a)(i)(6.):

"Notwithstanding Section 18A(1)(a), thirty two (32) of the required number of parking spaces for the residential/commercial project may be provided off the site, and partially within the adjacent road allowance."

NOTE: In processing the required Site Plan Control Application, certain adjustments are required to the by-law to permit 32 parking spaces to overhang the road allowance and to reduce the landscape area from 698 m^2 to 600 m^2.

These adjustments are a result of a portion of the lands being dedicated to the Region to accommodate the lay by and sidewalk.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND:

Plans have been submitted for a residential apartment condominium and community shopping complex at 260-280 King Street East. The details of the development are as follows:

•	Net Lot Area	-	1943.18 m^2
•	Gross Floor Area - Residential	-	1 0911.4 m^2
	- Commercial	-	1 350 m^2
•	Building Height	-	40.0 m, twelve (12) storeys
•	No. of units	-	127
•	No. of Parking Spaces Provided	-	100
•	No. of Loading Spaces Provided	-	one (1) @ 3.7 x 18.0 m x 4.3 m
•	Landscape Area	-	600.0 m^2

• Exterior Building Materials	-	Brick Veneer, Glazed Curtain Walls, Stucco Facing, Stone Trim, and Metal Roofing.

The ground floor of the development will cover the entire property and have approximately 1350 m^2 (14,531 sq.ft.) of commercial floor area, residential entrance and vehicular ramp entrance. Above the ground floor will be four split levels of parking for 100 vehicles. The residential tower from floors 4 to 12 will be set back from the front and rear property lines by 7.1 m (23.3 ft.) and 5.0 m (16.5 ft.)

The roof area at the fourth floor level will be landscaped to provide outdoor amenity spaces for the adjacent residential units.

The plan is primarily the same as that submitted as part of the zoning application ZA-90-06. The layby on King Street West and related building setback at the ground level has been incorporated into these plans.

COMMENTS RECEIVED:

The Hamilton-Wentworth Engineering Department in their attached comments advised that the loading space layby along King Street and appropriate widening for the sidewalk must be accommodated. Encroachment agreements and dedication of lands for the layby and sidewalk are required together with revised grading information.

The Building Department has reviewed the revised plans submitted and have forwarded the following comments:

1. The required parking for the apartment is one hundred and two (102) cars to be designated separate from commercial parking.

2. Twenty-one (21) cars must be designated as visitor parking. How will the residential cars and/or visitor parking be available if all floors are accessible to the public for parking? How will the visitor parking be available if you require a key or card to enter a certain area?

3. Has LACAC approved the demolition of the buildings that are of interest to them?

The Traffic Department has reviewed the revised plans submitted and advised that the plan is generally satisfactory with respect to their comments of March 7th. Furthermore, the applicant should be warned that it would not be possible for two vehicles to pass each other in the corners of the ramps.

The Hamilton Street Railway has reviewed the application and is not opposed to the application.

COMMENTS:

The development was the subject of Zoning Application ZA-90-06 which was approved by the Planning and Development Committee at its meeting of September 19, 1992. It was also directed that the By-law not be forwarded for passage by City Council until the applicant has applied for and received approval of a Site Plan registered on title.

The applicant has had a number of meetings with staff to review the proposed development and has agreed to provide a layby along King Street as shown on the plans. The municipal sidewalk would be relocated and widened slightly as shown with the proposed building overhanging the new sidewalk to create a covered pedestrian walkway. Appropriate agreements would be required for construction within the road allowance.

The incorporation of the layby and the required dedication of a portion of the lands require that the proposed by-law be modified. The by-law must be amended to permit 32 of the proposed parking spaces which overhang the sidewalk area to be located within the adjacent road allowance. Also, since the lot area is reduced by the amount of the layby and sidewalk, the proposed landscape area as required in the draft by-law must be adjusted to 600 m^2 minimum. These amendments must be forwarded to Council to modify the previous resolution.

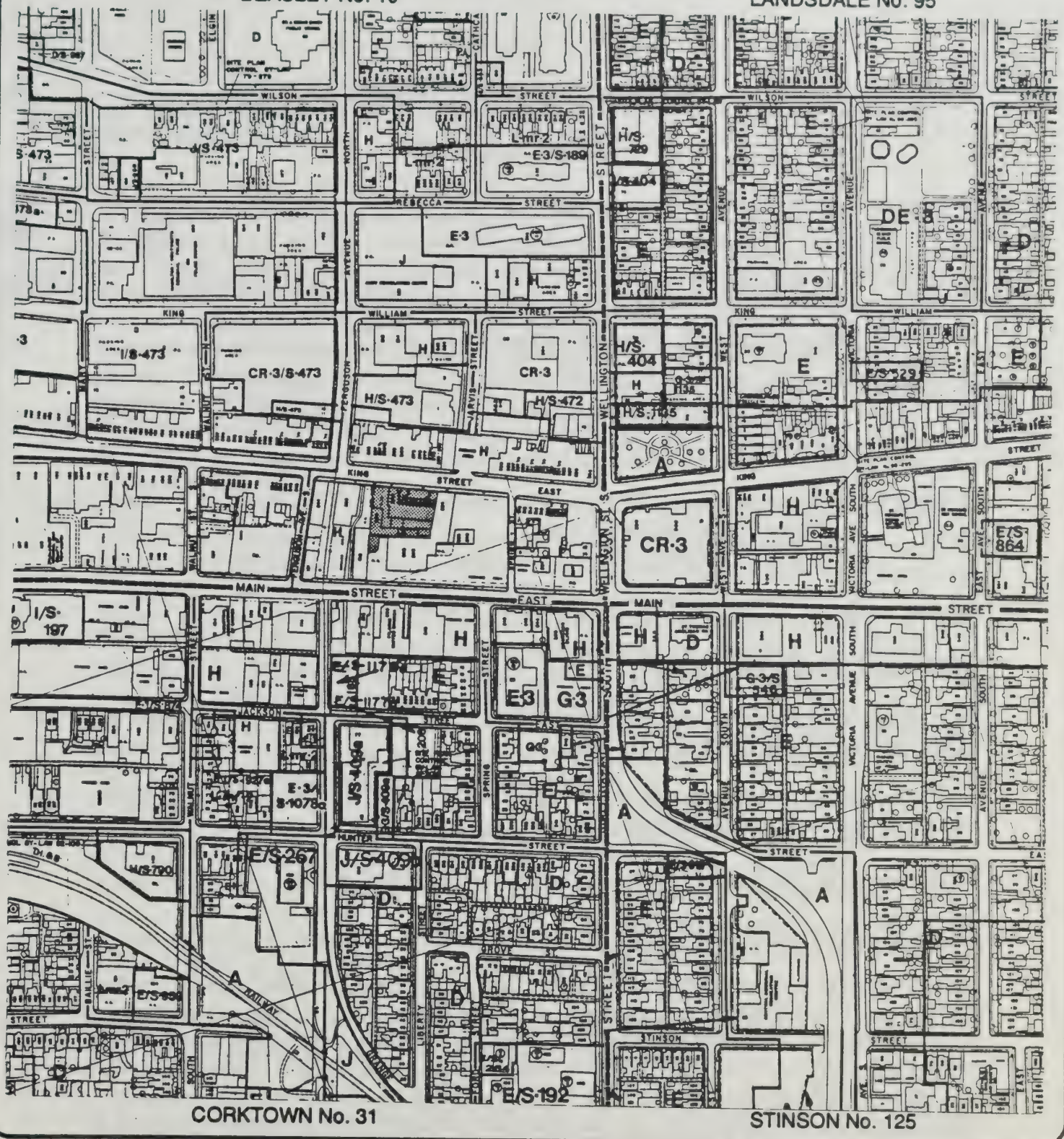
Other modifications are required to the plan related to dimensions, notes, number of parking spaces and landscaping and have been marked in red on the plans. A revised grading plan should also be resubmitted to the satisfaction of the Senior Director of Development, Roads Department.

A red-lined note on the plan is also included to indicate that access to the parking area and visitor spaces are to be to the satisfaction of the Building Commissioner and the Director of Traffic Services.

In regard to the Building Department comment pertaining to demolition of the existing building, at its meeting of March 7, 1990, the Planning and Development Committee approved that "no demolition permit be issued for the properties located at 270-280 King St. East until such time as the owner obtains a building permit."

The revised plan should then be included in a Site Plan Control Agreement to be registered on title of the land.

/ma



City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control Application DA-90-100

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	1:5000	DA-90-100
	Date	Drawn By
	AUGUST, 1991	L.B.

ROADS DEPARTMENT

MEMORANDUM

****

TO:	P. Mallard Division Head, Land Use and Urban Design Department of Planning & Development	YOUR FILE:	
FROM:	E. P. Chajka, P. Eng. Manager of Development Roads Department _	OUR FILE: PHONE:	(416) 546-2809
SUBJECT:	Site Plan Control Application DA90-100 260 to 280 King Street East City of Hamilton	DATE:	1993 June 4

GRADING AND SERVICING

The site plan submitted dated received March 20, 1991, will be approved when the following items have been dealt with.

1. Please add a notation to the effect that "Elevations along the abutting property lines must be met and maintained by the applicant at his expense."

2. Please show the grades of the entrances/exit on the site plan.

TRANSPORTATION COMMENTS

As was noted in our previous comments on Zoning Application 90-06, comments dated May 21,1991 on DA 90-100 and a previous staff meeting with Mr. Brian Hinckley and Mr. Ammendolia on February 24,1993, we have a number of concerns relating to road widenings, proposed loading space and manuevering requirements, encroachments etc. on this section of King Street East. As a result of this meeting, the revised site plan No. 8789 dated April 21,1993 was submitted to our Office for approval. We have reviewed this plan and require that the following be included as conditions of site plan approval:

1. That the owner dedicate to the Region a strip of land 4.572m (15 feet) in width along the entire frontage of lands to be developed. This widening is required to establish the 3.048m width municipal sidewalk on King Street and the construction of a 3.658m (12 foot) width vehicle lay by within the King Street road allowance.

continued...

2. That the owner enter into an appropriate agreement with the Region for the construction of a 3.658m width vehicle lay-by within the King Street road allowance, as widened, and a 3.048m municipal walk within the road allowance. The applicant is required to submit engineering drawings to our Office for our review and approval. All costs associated with the lay-by and sidewalk construction and any utility relocation are the sole responsibility of the applicant/owner. The Traffic Department is currently reviewing the access design and the geometric design components of the lay-by and further comments will be provided upon completion of this review. The agreement must be finalized and registered prior to the release of the site plan for building permit and sufficient securities must be held back for the Region to do this work, if required.

3. That the owner enter into an encroachment agreement with the Region of Hamilton-Wentworth for the portion of the cantilevered structure overhanging the King Street road allowance, as widened. It is our recommendation that the structure have a vertical clearance of at least 3.0m above the municipal sidewalk on King Street. These encroachment agreements must be finalized and registered prior to the release of the site plan for building permit. We have reviewed this application on the basis that there will be no support column encroachments for this cantilevered structure within the road allowance. As was stated at our previous meetings and the plan which was circularized, the cantilevered structure must be set back at least .30m from the King Street road allowance, as widened.

4. It was agreed that the owner could retain the proposed loading space on the site provided that it meets the requirements of the Zoning By-Law and that the proposed lay-by is constructed on King Street in conjunction with this development.

5. Any other works within the King Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-Law.

6. The site plan submitted outlines ties to the centreline of pavement on King Street. All ties must be taken from the widened street/property lines.

7. We recommend that a wall opening be provided on the west side of the building in order for motorists to see any pedestrians on the existing and future municipal walks as they enter the King Street road allowance.

8. The grade of the driveway and ramp should not exceed 5% for the first 7.5m on private property and 10% thereafter. Comments on this should also be obtained from the City of Hamilton Traffic Department.

continued...

Site Plan Control Application DA90-100
260 to 280 King Street East

Should you require further information on these matters, please contact Mr. H. Groen of this Office at 546-4278.

HNG

cc: Roland Karl, City of Hamilton Traffic Department

cc: Charles Unelli, Roads Department

Ga)ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 July 6
DA-93-10 (ZA-92-08)
Bartonville Neighbourhood

RECEIVED
JUL 13 1993
CITY CLERKS

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Site Plan Control Application DA-93-10 for a 32 unit seniors residential development at the rear of lands at 1907 King Street East.

RECOMMENDATION:

That Site Plan Control Application DA-93-10 by Faith Evangelical Lutheran Church of Hamilton, owner of lands at 1907 King Street East, for development of a 32 unit seniors residential complex be DENIED on the basis that the proposed development is not permitted by the zoning regulations.

J. Thoms

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

Bill Abraham

V.J. Abraham, M.C.I.P.
Director of Local Planning

PROPOSAL:

Plans have been submitted for a 32 unit seniors three storey residential project at the rear of the existing church at 1907 King Street East.

Underground parking for 29 vehicles is accessible from Weir Street at the rear of the structure with additional visitor parking for 11 vehicles from King Street.

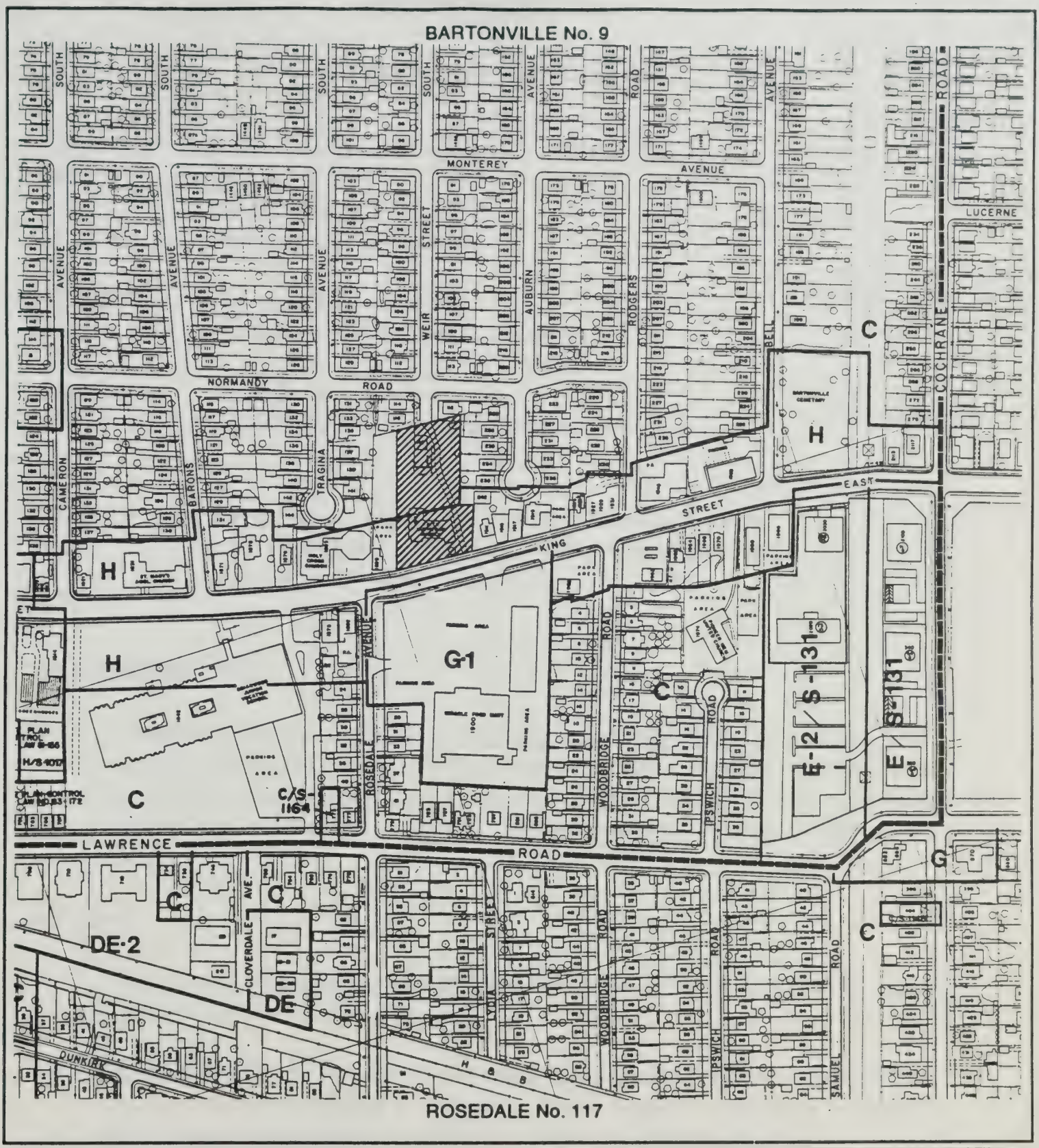
COMMENTS:

The proposed development was the subject of Zoning Application ZA-92-08. At its meeting of March 9, 1993, City Council denied the Zoning Application on the basis that the proposal would be incompatible and out of character with established single-family residential development in the immediate area in terms of height, bulk, and arrangement of the proposed building.

The proposed development has not altered from the plans proposed as part of Zoning Application ZA-92-08.

The application for Site Plan Approval should therefore be denied since the use is not permitted.

JPS/ma



City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control Application DA-93-10

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	NOT TO SCALE	DA-93-10
	Date	Drawn By
	APRIL 1993	Z.K.

CITY OF HAMILTON

Gadiii

- RECOMMENDATION -

DATE: 1993 July 9
DA-92-63 (ZA-92-26)
Bonnington Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED
JUL 13 1993
CITY CLERKS

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Site Plan Control Application DA-92-63 for redevelopment of the existing structure and property for a dental office and residence at 674 Upper James Street.

RECOMMENDATION:

A. That approval be given to Site Plan Control Application DA-92-63, by Dr. Jung Y. Mah, owner of property located at No. 674 Upper James Street for redevelopment of the existing structure and property for a dental office and residence for a modification to the approved plan to adjust the westerly planting strip and ramp location as shown on the plans;

and further:

B. That in regard to Zoning Application ZA-92-26, the following resolution be forwarded to City Council for approval;

That Item 33.A. of the Fifteenth Report of the Planning and Development Committee to City Council on 1992 August 25, respecting Zoning Application ZA-92-26 by Jung Y. Mah, for lands at 674 Upper James Street be amended as follows:

i) amend Item 33.A.(b)(vi) by amending the width of the required landscaped strip from "1.5 m" to "1.0 m" in width.

Explanatory Note:

In order to accommodate the required turning radii for vehicles the required landscape strip must be reduced from 1.5 m to 1.0 m in width.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

for V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At its meeting of May 5, 1993, Site Plan Control Application DA-92-63 was approved subject to various conditions. In finalizing the details of the turning radii for the driveway, a reduction of the required landscape strip from 1.5 m to 1.0 m is necessary.

RESULTS OF CIRCULARIZATION:

- The Traffic Department has in their attached letter has indicated that the revised plan is acceptable.

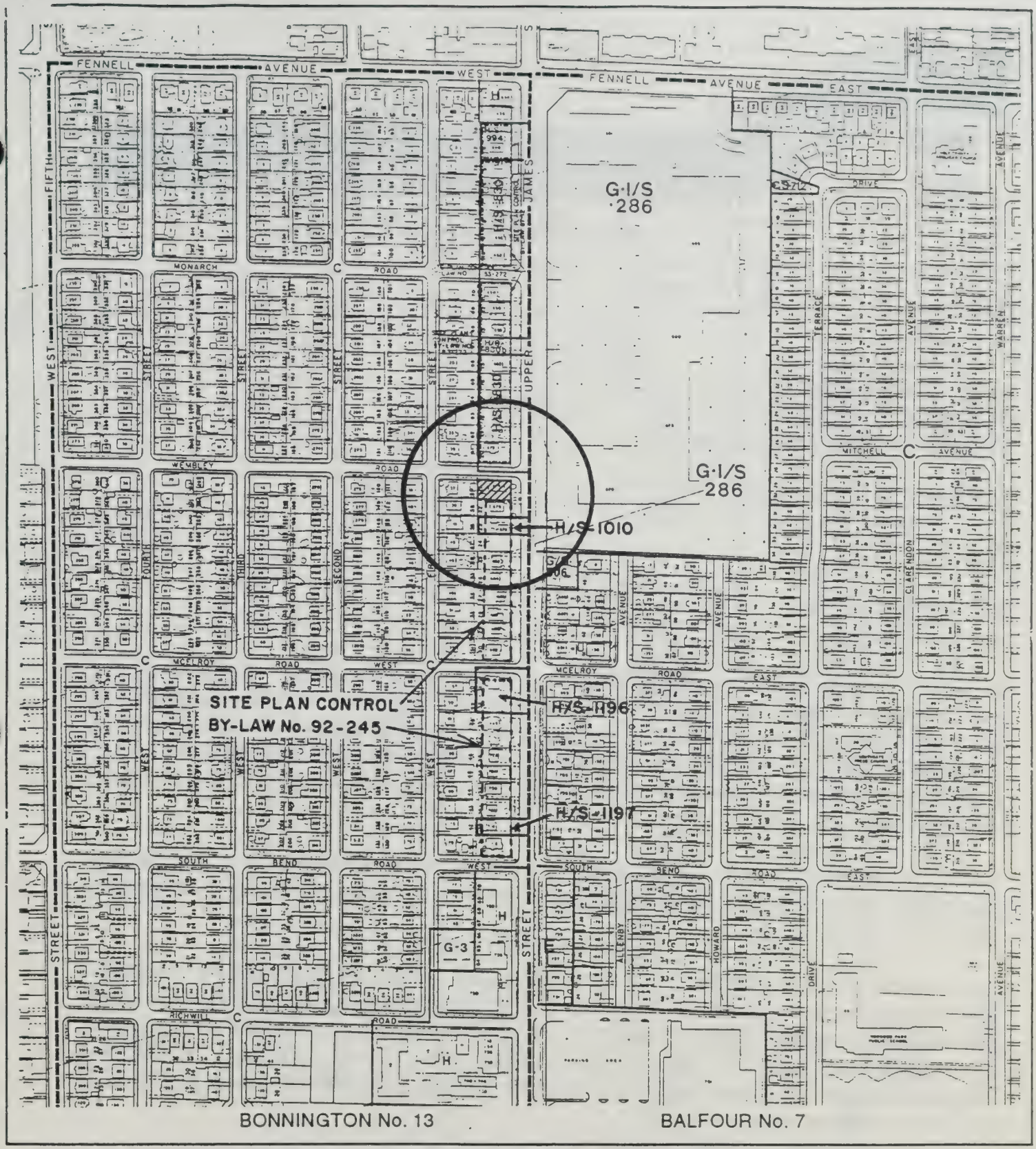
COMMENTS:

In order to accommodate the turning radii and ramp design, the width of the landscape strip is required to be reduced from 1.5 m to 1.0 m

The proposed plantings can still be provided in the remaining space.

The plan as modified is satisfactory. The draft by-law should be amended accordingly to incorporate the minor change to recognize the final site plan.

JPS/ma:ns



City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control Application DA-92-63

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

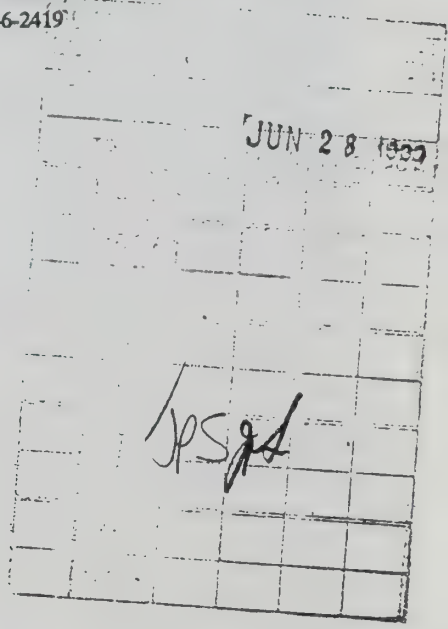
North	Scale	Reference File No.
	1:5000	DA-92-63
	Date	Drawn By
	DECEMBER 1992	Z. K.

TRAFFIC DEPARTMENT

City of HAMILTON

71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (416) 546-4510 / Fax (416) 546-2419

1993 June 24



Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: DA-92-63 Revised
674 Upper James Street

In response to your memorandum of 1993 June 16 and its attached plan, please be advised that we have reviewed this revised application and find the vehicular passage around the proposed ramping to be satisfactory. We understand that this design has necessitated the reduction of the required 1.5m wide planting strip along the western property line to 1.0m. Subject to the approval of the required Zoning By-law amendment to allow for this variance, we are now in a position to accept the revised plan.

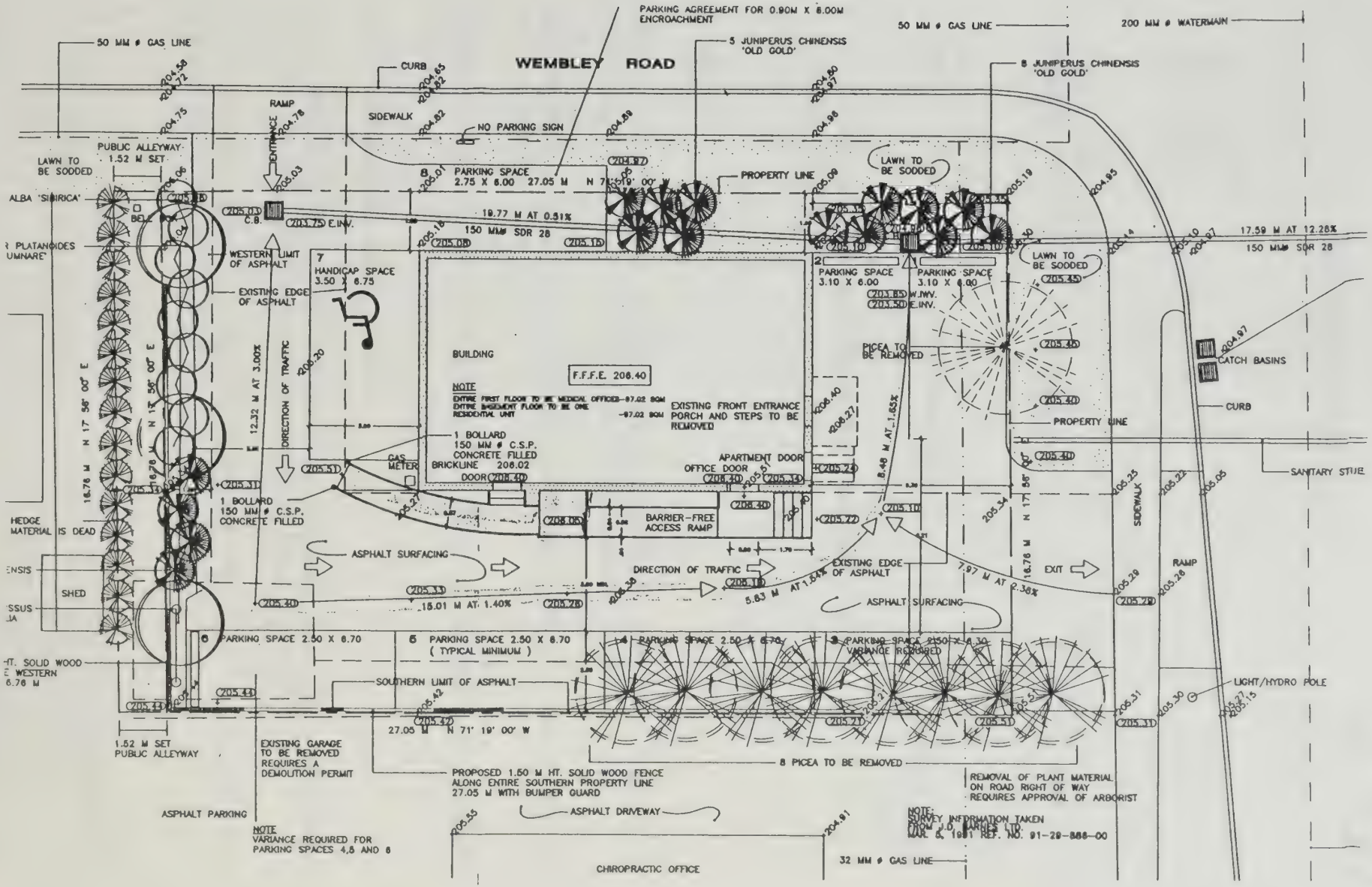
Again, the applicant should contact Chris van Berkel of this Department at 546-2068 to discuss his desire to implement a Commercial Boulevard Parking Agreement for parking space 8.

We approve of the location of the access in principle, but the applicant should be advised that an application must be made to the Traffic Department for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. Four copies of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees, etc.

Yours truly,

Murray F. Main, P.Eng.
Director of Traffic Services

RK/WC/ks
Attach.


WEMBLEY ROAD
PARKING AGREEMENT FOR 0.90M X 8.00M ENCROACHMENT
50 MM ø GAS LINE
200 MM ø WATERMAIN
5 JUNIPERUS CHINENSIS 'OLD GOLD'
8 JUNIPERUS CHINENSIS 'OLD GOLD'
CURB
SIDEWALK
RAMP
NO PARKING SIGN
PUBLIC ALLEYWAY 1.52 M SET
LAWN TO BE SODDED
PROPERTY LINE
8 PARKING SPACE 2.75 X 6.00 27.05 M N 71° 19' 00" W
19.77 M AT 0.51%
150 MM ø SDR 28
17.59 M AT 12.28%
ALBA 'SIBIRICA'
PLATANOIDES 'UMNARE'
WESTERN LIMIT OF ASPHALT
EXISTING EDGE OF ASPHALT
7 HANDICAP SPACE 3.50 X 6.75
2 PARKING SPACE 3.10 X 6.00
PARKING SPACE 3.10 X 6.00
PICEA TO BE REMOVED
CATCH BASINS
BUILDING
F.F.F.E. 206.40
NOTE
ENTIRE FIRST FLOOR TO BE MEDICAL OFFICES - 87.02 SQM
ENTIRE BASEMENT FLOOR TO BE ONE RESIDENTIAL UNIT - 87.02 SQM
EXISTING FRONT ENTRANCE PORCH AND STEPS TO BE REMOVED
1 BOLLARD 150 MM ø C.S.P. CONCRETE FILLED BRICKLINE 206.02
GAS METER
APARTMENT DOOR
OFFICE DOOR
DOOR
DIRECTION OF TRAFFIC
12.32 M AT 3.00%
8.40 M AT 1.65%
SANITARY STUB
SIDEWALK
HEDGE MATERIAL IS DEAD
BARRIER-FREE ACCESS RAMP
ASPHALT SURFACING
DIRECTION OF TRAFFIC
EXISTING EDGE OF ASPHALT
EXIT
RAMP
SHED
15.01 M AT 1.40%
5.63 M AT 1.84%
7.97 M AT 2.38%
6 PARKING SPACE 2.50 X 6.70
5 PARKING SPACE 2.50 X 6.70 (TYPICAL MINIMUM)
4 PARKING SPACE 2.50 X 6.70
3 PARKING SPACE 2.50 X 6.30 VARIANCE REQUIRED
SOUTHERN LIMIT OF ASPHALT
LIGHT/HYDRO POLE
27.05 M N 71° 19' 00" W
1.52 M SET PUBLIC ALLEYWAY
EXISTING GARAGE TO BE REMOVED REQUIRES A DEMOLITION PERMIT
PROPOSED 1.50 M HT. SOLID WOOD FENCE ALONG ENTIRE SOUTHERN PROPERTY LINE 27.05 M WITH BUMPER GUARD
8 PICEA TO BE REMOVED
REMOVAL OF PLANT MATERIAL ON ROAD RIGHT OF WAY REQUIRES APPROVAL OF ARBORIST
NOTE: SURVEY INFORMATION TAKEN FROM J.D. BARNES LTD. MAR. 6, 1991 REF. NO. 91-29-868-00
ASPHALT PARKING
NOTE VARIANCE REQUIRED FOR PARKING SPACES 4,5 AND 6
ASPHALT DRIVEWAY
CHIROPRACTIC OFFICE
32 MM ø GAS LINE

CITY OF HAMILTON

G b)

- RECOMMENDATION -

DATE: July 13, 1993
(P5-3-2-62)
(OPA 113)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED
JUL 13 1993
CITY CLERKS

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Modifications to Hamilton Official Plan Amendment No. 113 - Hamilton Beach

RECOMMENDATION:

A) That the following modifications, for the purpose of clarification, be made to Schedule "B" of Amendment No. 113 to the City of Hamilton Official Plan:

i) Label the thick black line to the north east of Hamilton Beach and Confederation Park as "Special Policy Area 10";

ii) Delete the thick black line to the south west of Hamilton Beach from "Special Policy Area 10";

iii) Label "Special Policy Area 10a"; and,

iv) Add to the legend of Schedule "B" after "Special Policy Area 10a refer to Policy A.2.9.3.8" the following "and delete from Special Policy Area 10".

B) That the City Clerk request the Hamilton-Wentworth Region to incorporate these modifications as part of O.P.A. No. 113.

J. D. Thoms, M.C.I.P
Commissioner
Planning and Development Department

V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The lands affected by Hamilton O.P.A. No. 113 are located between the Burlington Canal, Gray's Road, Lake Ontario and the Queen Elizabeth Way, within the Hamilton Beach and Confederation Park Neighbourhoods.

O.P.A. No. 113 was adopted by By-law 92-207 on August 25, 1992, and was forwarded to the Region for approval on September 9, 1992. The purpose of the Amendment is to incorporate changes to Schedule "A" - Land Use Concept and Schedule "B" - Special Policy Areas, required as a result of the completion of the Hamilton Beach Concept Plan and the Hamilton Beach Neighbourhood Plan.

The Hamilton Harbour Commissioners on November 9, 1992 requested that a portion of the O.P.A. No. 113 be referred to the O.M.B., namely that portion in the vicinity of their lands near the Canal.

COMMENTS:

During discussions with Regional Planning staff on this matter, it was noted that there were a few items related to Schedule "B" of the Amendment which might have been unclear or ambiguous. For this reason, these items have been clarified by means of the modifications contained in this report. The original intent of O.P.A. No. 113 has not been changed.

1. Special Policy Area 10, as contained on Schedule "B" of the Official Plan, deals with shoreline protection measures. Within this area, Council is to ensure that appropriate shoreline protection measures, as may be prescribed by the Ministry of Natural Resources and the Ministry of Environment and Energy, will be undertaken to mitigate flooding, erosion and pollution.

   At present, Special Policy Area 10 includes the entire Beach Neighbourhood, from the Lake Ontario shoreline to the Q.E.W. It also includes the Confederation Park area, up to the Q.E.W. and the City limits at the boundary of Stoney Creek. It was felt that this was too large an area within which to require shoreline protection measures, since it includes mostly lands which are inland. This area is therefore being reduced in size, by O.P.A. No. 113, to include only the actual Lake Ontario shoreline. The modifications contained in this report only clarify this.

   The first proposed modification is the addition of a label identifying the thick black line to the north east of Hamilton Beach and Confederation Park as "Special Policy Area 10". The shoreline protection measures associated with Special Policy Area 10 are only required along the actual shoreline, from the Canal to the Stoney Creek City limits, which is identified by this line. Only the Lake Ontario shoreline is included, since this is where the main concerns about wave and wind erosion occur.

The second modification is the deletion of a thick black line to the south west of Hamilton Beach from "Special Policy Area 10". This line, near the Harbour side of the Beach, may have been thought to be part of Special Policy Area 10, which is the shoreline protection area.

2. Special Policy Area 10a on Schedule "B" refers to the area of the Beach Neighbourhood which is directly south-east of the Canal at the City limits. This area is designated "Canal Recreation" in the approved Hamilton Beach Neighbourhood Plan, which sets out the uses to be encouraged and permitted in this area, such as recreationally-oriented and water-related commercial uses. These lands are largely owned by the Hamilton Harbour Commissioners. For this reason, the policies also note "This does not purport to prohibit or otherwise regulate the Hamilton Harbour Commissioners from using their lands for bona fide shipping and navigation purposes."

   O.P.A. No. 113 establishes Special Policy Area 10a. The proposed modifications in this report ensure that this area is properly labelled.

   The third proposed modification, namely to add a label identifying "Special Policy Area 10a", is done for this purpose.

   The fourth modification is to add to the legend of Schedule "B" after "Special Policy Area 10a refer to Policy A.2.9.3.8" the following "and delete from Special Policy Area 10". This modification is to clarify that the inland areas in the vicinity of the Canal are also deleted from Special Policy Area 10, which is the shoreline protection area. The Lake Ontario shore area in this vicinity remains part of Special Policy Area 10.

These items of clarification are proposed as a result of further review of O.P.A. No. 113, and are appropriate.

CONCLUSIONS:

These modifications are considered to be of a minor nature, for the purpose of clarification. The original intent of O.P.A. No. 113 has not been changed. Accordingly, these modifications should be made, and Regional Council should be so advised.

VG
OPA113MD.P&D

schedule B
amendment no. 113

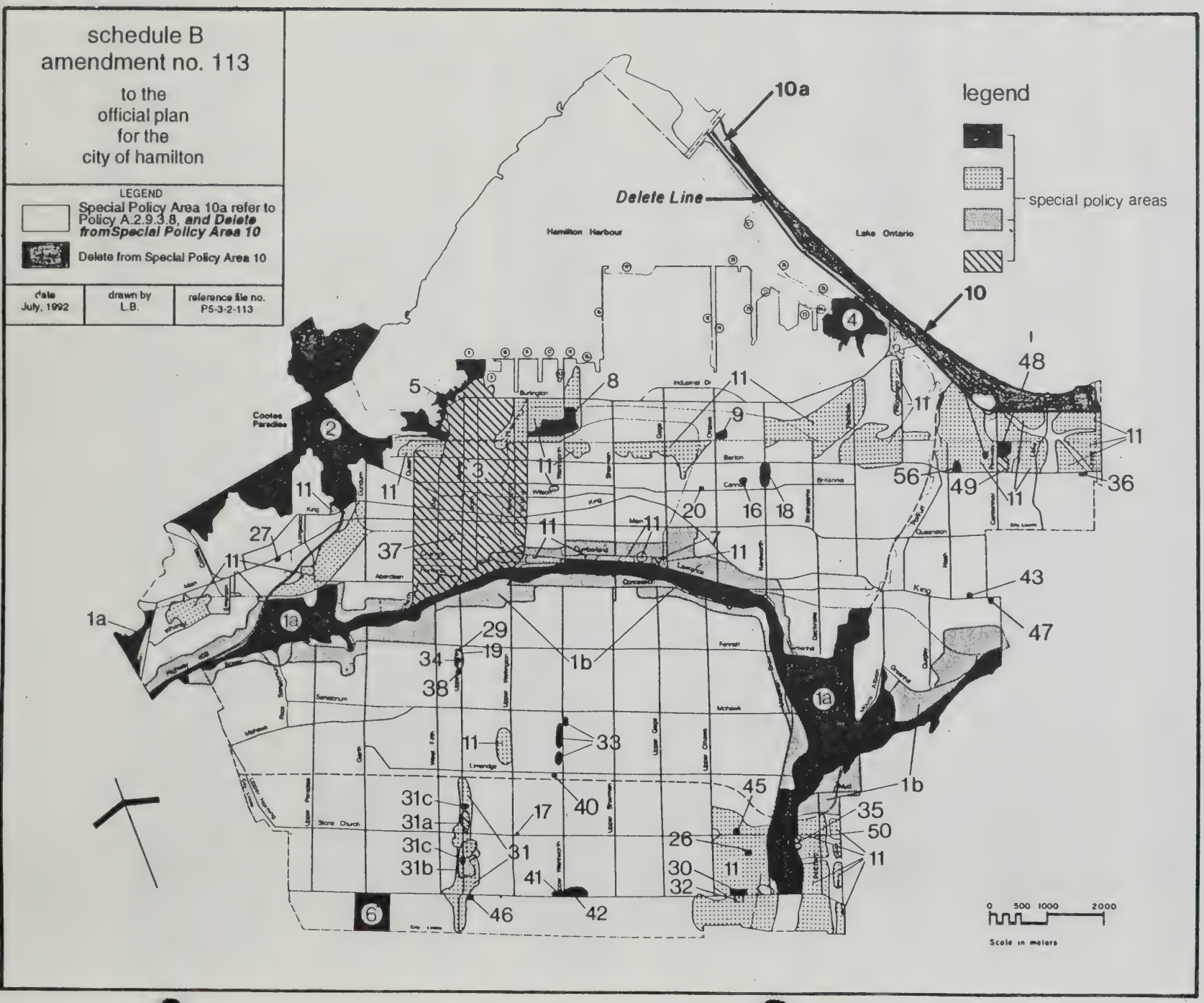
to the
official plan
for the
city of hamilton

LEGEND

Special Policy Area 10a refer to Policy A.2.9.3.8, ***and Delete from Special Policy Area 10***

Delete from Special Policy Area 10

date	drawn by	reference file no.
July, 1992	L.B.	P5-3-2-113



legend

special policy areas

special policy areas

AREA	REFER TO POLICY
1(a)	A.2.9.1.
1(b)	A.2.9.1.
2	A.2.9.2.
3	A.2.9.3. A.2.9.3.1.
4	A.2.9.3.2.
5	A.2.9.3.3.
6	A.2.9.3.4.
7	A.2.9.3.5.
8	A.2.9.3.6.
9	A.2.9.3.7.
10	A.2.9.3.8.
11	A.2.9.3.9.
16	A.2.9.3.14.
17	A.2.9.3.15.
18	A.2.9.3.16.
19	A.2.9.3.17.
20	A.2.9.3.18.
26	A.2.9.3.21.
27	A.2.9.3.22.
29	A.2.9.3.24.
30	A.2.9.3.25.
31	A.2.9.3.26.
31(a)	A.2.9.3.26.
31(b)	A.2.9.3.26.
31(c)	A.2.9.3.26.
32	A.2.9.3.27.
33	A.2.9.3.28.
34	A.2.9.3.29.
35	A.2.9.3.30.
36	A.2.9.3.31.
37	A.2.9.3.32.
38	A.2.9.3.33.
40	A.2.9.3.35.
41	A.2.9.3.36.
42	A.2.9.3.37.
43	A.2.9.3.38.
45	A.2.9.3.40.
46	A.2.9.3.41.
47	A.2.9.3.42.
48	A.2.9.3.43.
49	A.2.9.3.44.
50	A.2.9.3.45.
51	A.2.9.3.46.
56	A.2.9.3.51.

Refer to Schedule B - 1 for Special Policy Areas in the Downtown

schedule B

to the official plan
for
the city of hamilton

91 05 24

G c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 July 12

RECEIVED
JUL 13 1993
CITY CLERKS

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Authorization for a Public Meeting - Walkway, Fonthill Road to Upper Paradise Road, Fessenden Neighbourhood

RECOMMENDATION:

That the Planning and Development Committee authorize a public meeting to discuss the walkway between Fonthill Road and Upper Paradise Road (see APPENDIX A).

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Public Works Department has indicated that if the City assumes ownership of the walkway, approximately $10,000.00 would have to be spent to bring it up to City Standards, in addition to the liability and annual maintenance costs involved.

BACKGROUND:

The walkway was established as part of a development agreement for a townhouse project at 63 Fonthill Road. While the walkway is on private lands, it is available for public use.

The Law Department has indicated that the owners of the walkway (Wentworth Condominium Corporation No. 79) are under no obligation through site plan control to keep the walkway open and that the development agreement has already been discharged.

The Real Estate Division has received a request to purchase the above-noted walkway from the owners (Wentworth Condominium Corporation No. 79), who no longer wish to maintain it and have requested planning comments. Before any decision on this matter is made a public meeting is suggested.

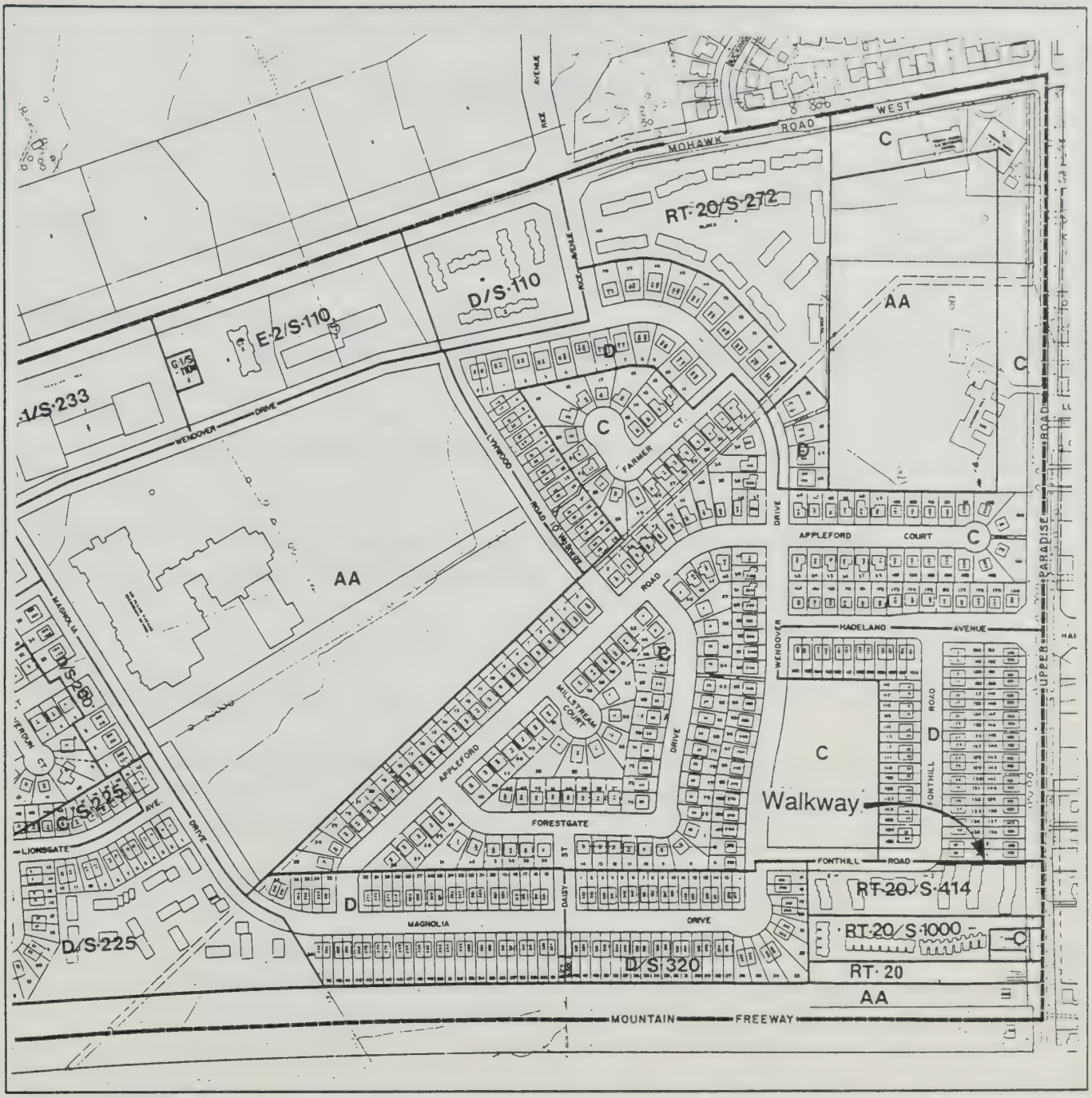
While the walkway is not shown on the Fessenden Neighbourhood Plan, and technically a public meeting is not required for closure, the walkway has been available to the public for several years and therefore, a public meeting should be held.

The walkway presently serves the neighbourhood and provides an alternative route for children walking to and from Sir Allan MacNab High School, as well as, serves residents wishing more direct access to Upper Paradise Road. A bus stop is located at Upper Paradise Road near the walkway entrance.

CONCLUSION:

A public meeting should be held to obtain input from property owners and affected citizens regarding the ownership, use and maintenance of the walkway.

J.G.:ns
FESSENDEN



Fessenden Neighbourhood

APPENDIX "A"

Walkway

Legend

- Neighbourhood Boundary
- Zoning Boundary.

NORTH

Planning and Development Department
Hamilton-Wentworth Region

Gd)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 July 13
P5-2-5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED
JUL 13 1993
CITY CLERKS

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Private Watermain Mount Albion Road and Mud Street
Albion Falls Neighbourhood

RECOMMENDATION:

1. That the Region of Hamilton-Wentworth has advised that the City of Hamilton is not opposed to the extension of watermain approximately 535 metres north of Stone Church to Mud Street provided:

   i) the landowners fund the costs of project; and,

   ii) the owners of 36, 52 and 56 Mud St. enter into an agreement with the City, subject to the satisfaction of the City Solicitor recognizing that the watermain is for the existing homes only and will preclude any further development or major redevelopment.

2. That the Region request Niagara Escarpment Commission comments on the proposal, as the lands within their Development Control Area.

J. D. Thoms, M.C.I.P.
Commissioner

V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The proposed watermain costs, estimated at $134,000 plus 10% for design costs, are to be assumed by the three abutting land owners at 36, 52 and 56 Mud St.

BACKGROUND:

On June 24, 1993 the Clerk of the Regional Municipality of Hamilton-Wentworth forwarded a copy of the Environmental Services Committee Report G-93 (Item 10) to the Hamilton City Clerk (see attachment). The report requests that a watermain be constructed on a section of Arbour Road and Mud Street in the Albion Falls Neighbourhood. The three property owners indicated that they are prepared to pay the full cost of a watermain to service their properties. A previous request by these owners for a watermain to be constructed at the City's and Region expense was not supported by both the City and Region. Water is presently being delivered to the residents on a weekly basis by a contracted operator on behalf of the City. Water charges are the same rate as the average household pays for non metered water.

On January 12, 1982 City Council approved the Albion Falls Neighbourhood Plan (see attachment) which designate the properties to be serviced as Open Space.

The Official Plan designates the lands as Open Space and Hazard Lands. The Official Plan also identifies the area as Special Policy Area 1(G) which recognized that the properties are also located within the Niagara Escarpment Planning and Development Control area.

COMMENTS:

While this area has been designated for open space, there is no available time schedule for acquisition. In the interim, people will continue to live there. With no plan for immediate acquisition or even future time schedule, it seems inappropriate to require homeowners to wait, without allowing any improvements in their living conditions.

The Property Department has advised that water services should not greatly increase the value of these properties provided that there is no change in existing use or density. As the City retains control over the use of the property through the Official Plan, Neighbourhood Plan and zoning. Additional development should not be permitted as a result of these services.

The Parks Staff Sub-Committee also discussed the proposal to construct the proposed watermain and concluded that it would not inhibit the City's long term objective to implement and purchase the privately owned properties for Open Space purposes.

From a planning perspective, there are concerns that the installation of a watermain could initiate requests for redevelopment or new development. New homes or major redevelopment could increase the value of the lands which would have to be borne by the City at the time of acquisition. In other areas, new watermains have added to development pressures including requests for sewer services. However, the proposal may be acceptable if the owners could be willing to enter into an agreement with the City stating that the services are for the existing homes only.

It is also noted that the area is within the Niagara Escarpment's development control area and therefore their comments on the proposal should be requested.

CONCLUSIONS:

The proposed watermain should be permitted based on the fact that:

- the landowners will pay for all costs associated with the watermain;
- there is no schedule for property acquisition;
- there is no substantial increase in property values; and,
- the owners of 36, 52 and 56 Mud St. be requested to enter into an agreement recognizing that the watermain will preclude any additional development or redevelopment, as a result of these improvements.

G.G.:ns
ALBIONFALLS


36 Mud Street
52 Mud Street
56 Mud Street
LIMERIDGE ROAD EAST
MOUNTAIN BROW BOULEVARD
MOUNTAIN BROW ROAD
MOUNTAIN
MOUNT ALBION ROAD
HAMILTON REGION CONSERVATION AUTHORITY FILL REGULATED AREA
B-1
B-2
A
AA
M-12
M-13
M-14
M-13, S-563
M-14, S-904
EXPRESSWAY
1930 - 1954
RED HILL CREEK
STAGE CONSTRUCTION
ROAD
EAST
ANCHOR ROAD
BIGWIN RD.
LEONARD ROAD
Note: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.
EXISTING POPULATION (1988) 394
LAND USE
RESIDENTIAL
single & double
attached housing
low density apartments
medium density apartments
COMMERCIAL
INDUSTRIAL (LIGHT)
CIVIC & INSTITUTIONAL
PARK & RECREATIONAL
OPEN SPACE
UTILITIES
Neighbourhood Boundary
Zoning Boundary
Approvals
Planning Committee DEC. 9, 1991 Council JANUARY 12, 1992
Latest Revision Date OCTOBER 1, 1990
CITY OF HAMILTON
Planning Department
ALBION FALLS
APPROVED PLAN

Forwarded to D. Vyce, Director of Property, V. Abraham, Director of Local Planning and K. Christenson, Secretary, Transport and Environment Committee JDT/dg

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Office of the Clerk

Robert C. Prowse, Clerk
Michael A. Rallo, Deputy Clerk

PLANNING & DEVELOPMENT
LOCAL PLANNING
File No.
JUN 25 1993
TO STAFF INFO DOT
BJ
STAFF
CART.
ADMIN.

OFFICE OF THE CITY CLERK
JUN 24 1993
REC. BY ..... DATE .....
REF'D. TO JDT DATE .....
REF'D. TO ..... DATE .....
REF'D. TO ..... DATE .....
ACTION: F.Y.A.

June 24, 1993

Mr. J. Schatz, City Clerk
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8P 1H4

Dear Mr. Schatz:

Re: **Environmental Services Committee**
Report 6-93, Item 10

Subjoined, please find Item 10 of Report 6-93 of the Environmental Services Committee which was approved by Regional Council at its meeting held on Tuesday, June 15, 1993.

10. Arbour Road - Mud Street - Watermain (ENV 93-074)

That the Commissioner of Transportation/Environmental Services be authorized and directed to construct a watermain on Arbour Road from approximately 335 metres north of Stone Church Road to Mud Street and on Mud Street from Arbour Road to approximately 200 metres north of Arbour Road, at an estimated cost of $134,000, subject to:

a) the land owners providing a cash deposit in the amount of the tender price plus 10% for design prior to the award of the contract;

b) the Corporation of the City of Hamilton be requested to comment, by no later than July 30, 1993, on the proposed watermain construction, as the lands abutting the proposed watermain are designated for long term open space use and the proposed watermain will increase future purchase price, and should the comment be negative then staff be required to report back to the Environmental Services Committee. **Item 4.3**

119 King Street West, 15th Floor
P.O. Box 910
Hamilton, Ontario L8N 3V9

Tel. (416) 546-4154
Fax (416) 546-2546
TDD (416) 522-1787

It would be appreciated if the above recommendation and attached report could be forwarded to the appropriate Committee for a response. Should you require further information with respect to this item, please don't hesitate to contact our office.

Yours truly,

Mary Gallagher for

Lynda Sohal
Legislative Assistant
Attachment

REGION OF HAMILTON-WENTWORTH

- RECOMMENDATION -

DATE: May 25, 1993
801-92 K. A. Brenner

REPORT TO: Chairman and Members
Environmental Services Committee

FROM: P. J. Halliday
Senior Director
Environmental Services

SUBJECT: **Arbour Road - Mud Street - Watermain** **ENV 93-074**

RECOMMENDATION:

That the Commissioner of Transportation and Environmental Services be authorized and directed to construct a watermain on Arbour Road from approximately 335 metres north of Stone Church Road to Mud Street and on Mud Street from Arbour Road to approximately 200 metres north of Arbour Road, at an estimated cost of $134,000, subject to:

i) the land owners providing a cash deposit in the amount of the tender price plus 10% for design prior to the award of the contract; and,

ii) the Corporation of the City of Hamilton be requested to comment, by no later than July 30, 1993, on the proposed watermain construction, as the lands abutting the proposed watermain are designated for long term open space use and the proposed watermain will increase future purchase price, and should the comment be negative then staff be required to report back to the Environmental Services Committee and, if no comments are received, staff be permitted to proceed with the tender.

P. J. Halliday

Cont'd...

Arbour Road - Mud Street Watermain

Cont'd...

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The proposed works are to be fully financed by the three abutting land owners.

BACKGROUND:

Mrs. Donna Doyle, acting for Walter Raffler, Adam and Marilyn Tocher, and her husband, Edward Doyle, wrote to the Region indicating they are prepared to pay the full cost of a watermain to service the three properties. In order to avoid the cost associated with legal agreements, it is proposed that a cash deposit be made just before the Region commits itself to the construction of the requested watermain.

The proposed 200 mm diameter watermain is to be constructed on existing roads and there are no unusual physical features to the work.

The proposed watermain has not been installed in the past and is not recommended at this time at the Region's cost because the abutting lands are, by City of Hamilton policy, to be purchased by the City of Hamilton in the future. The land has been designated open space. However, the City of Hamilton is, at the present time, not purchasing lands which leaves the three owners involved in the difficult situation that they cannot sell to the City of Hamilton but at the same time they cannot improve their properties because of lack of water.

From a Regional viewpoint, there is no reason to object to the watermain if the owners pay the full cost, as they propose to do. However, in light of the situation set out in the previous paragraph, we recommend that the City of Hamilton Council be advised on what is transpiring and be asked to comment on it.

KAB:kk


B-2
B-1
B-1
B-1
A
A
PROPOSED 200 MM Ø WATERMAIN
AA
PROPOSED 200MM Ø WATERMAIN
A
AA
EXISTING 200 MM Ø WATERMAIN
M-13
M-12
AA
A
M-14
M-12
M-13/S-563
M-14/S 904
M-14
EXISTING 400 MM Ø WATERMAIN

H.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 July 14

REPORT TO: Members of the Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **INFORMATION ITEMS**

RECOMMENDATION:

That the following Information Item, which has been previously forwarded to Members of the Committee under separate cover, be received for information purposes:

- Commissioner of Planning and Development - Approved Site Plan Control Applications dated July 12, 1993

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

9(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 July 7
TC-CAP(F)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Gil Simmons, Chairperson
Advisory Committee on GO Transit

SUBJECT: Proposed Victoria Avenue Layover Yard

RECEIVED
JUL 13 1993
CITY CLERKS

RECOMMENDATIONS:

1. That the Minister of the Environment be requested to direct GO Transit to undertake a full environmental assessment of all alternative sites for the proposed layover yard for the Hamilton GO Centre;

2. That GO Transit be requested to seek authorization from the Ministry of the Environment to undertake a full environmental assessment of all alternative sites for the proposed layover yard for the Hamilton GO Centre;

3. That the Ministry of the Environment and GO Transit be requested to hold in abeyance the decision regarding the Victoria Avenue layover yard until such time as the full Environmental Assessment is completed for all sites; and,

4. That the Minister of the Environment, GO Transit, and each area MPP be provided with a copy of this report.

Gil Simmons.

Gil Simmons, Chairperson
Advisory Committee on GO Transit

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Environmental Assessment Report regarding the development of the former TH&B Station as the Hamilton GO Centre was approved by the Minister of the Environment in 1992. Part of the Environmental Assessment Report addressed the need for a layover yard to store GO trains overnight. The preferred location, as identified in the report, was on the CP tracks at Victoria Avenue. This area is directly south of several houses in the Stinson Neighbourhood, chiefly on East Avenue and Alanson Street (see attached map).

In approving the Environmental Assessment Report, the Minister of the Environment directed GO Transit to undertake a noise analysis and community consultation process respecting the layover yard. GO Transit has completed the noise analysis and has recently undertaken the community consultation process. The findings and recommendations of the noise analysis are as follows:

a) The highest hourly average noise level for existing trains was 71 dB; however, at any one time a passing train can emit up to 110 dB.
b) For GO Trains, noise will be emitted from the locomotives and the air conditioning units;
c) A 6m (20 foot) high sound barrier will be constructed adjacent to the storage area for the trains to reduce the noise impact from the trains;
d) The existing CP tracks will be relocated to the southern portion of the yard to further reduce noise; and,
e) The GO trains will be started up at 4:45 a.m.

The Advisory Committee on GO Transit met with officials from GO Transit as well as the consultants that prepared the noise analysis to review the findings. The following concerns were raised:

a) Currently, residents experience one overnight CP train for which noise is heard for 3 minutes. The rest of the time, the neighbourhood is quiet in the evening and overnight;
b) The proposed 6m sound barrier will block the view of the Escarpment currently enjoyed by residents;
c) The sound barrier will only lower the noise heard at the 2nd storey of the houses. Forty percent of the houses on the south side of Alanson Street have a 3rd storey and the noise barrier will not reduce the noise heard in this area of these houses;
d) GO trains will be required, by Federal regulation, to undergo brake testing prior to leaving the yard. This testing will emit a noise level of 72 Db at 25 metres from the yard. The houses closest to the yard will hear a higher

noise level from the brake testing.

e) No shadow-casting impact of the sound barrier has been undertaken by GO Transit;

f) The layover yard is positioned so that the properties with the shortest back yards are closest to the noise source;

g) The land between the sound barrier and the back yards of the homes will provide easy access to the homes providing a potential security problem;

h) Stinson Neighbourhood and, in particular, the homes on Alanson Street, will bear the brunt of the noise;

i) No analysis of the impact on the Escarpment of the yard and the proposed noise 6m noise barrier has been undertaken; and,

j) No detailed plans for maintenance of the area between the noise barrier and the adjacent property lines has been established.

COMMENTS:

1. The Advisory Committee members are concerned that GO Transit has undertaken only a noise analysis for the proposed Victoria Avenue layover yard. Other issues, as stated above, such as the impact on the views of the Escarpment, the impact of the 6m sound barrier, urban design matters (e.g. shadow-casting), safety along the sound barrier, and the qualitative impact on the outdoor living space for the homes on Alanson Street have not been addressed. In addition, these factors were not taken into consideration in the initial Environmental Assessment Report respecting all proposed sites for the layover yard. The Advisory Committee members are concerned that these issues, and all environmental issues, must be addressed for all proposed layover yard sites, prior to a final decision being made regarding the location of the yard.

2. In discussing the concerns with staff from GO Transit, it is apparent that the sole directive from the Ministry of the Environment regarding the Victoria Avenue site is to undertake a noise analysis. However, the following other relevant facts must be noted in deciding on the location of the layover yard:

   a) GO Transit does not need the layover yard until service expands to twelve daily trains. At present, service will only expand as demand warrants. Therefore, it appears that there is no urgency in deciding the final location of the layover yard at this time. Further study can be undertaken at this time without jeopardizing the timing of development of the yard.

   b) In selecting possible sites for the layover yard, GO Transit, in 1989, approached CP Rail about the Kinnear Yard, south of Gage Park. At that time, CP was unwilling to lease part of the Kinnear Yard to GO Transit for GO's layover yard. However, since 1989, CP Rail has had substantial changes to its corporation and, if approached now, may be more favourable to leasing the Kinnear Yard, or other sites, to GO Transit.

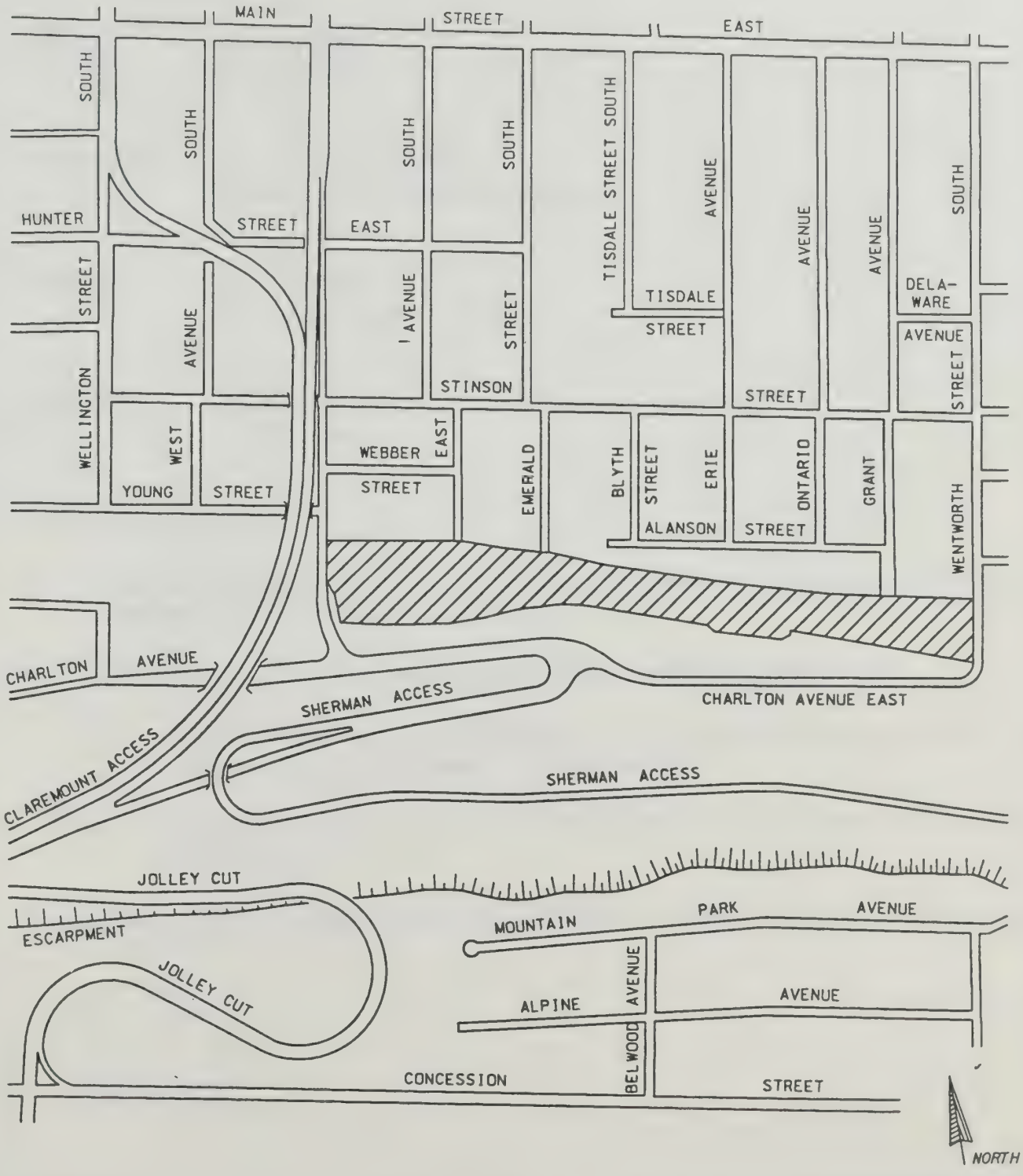
c) GO Transit would require direction from the Ministry of the Environment to include the other concerns identified by the Committee members in the analysis of the proposed Victoria Avenue layover yard, and alternative sites proposed for the yard.

d) The site is not ideal for meeting GO Transit's requirements for the yard. The Environmental Assessment Report indicated that GO needed storage for six trains and the Victoria Avenue Yard will only be able to accommodate storage of four trains.

CONCLUSION:

Given the concerns of the members of the Advisory Committee members and the fact that the layover yard is not immediately required, it would be appropriate that GO Transit undertake a full review of all potential layover yard sites, and the impacts of those sites on neighbouring properties, and that any decision regarding the Victoria Avenue site be held in abeyance until the full environmental review is completed.

MLT:mlt



PROPOSED GO TRANSIT LAYOVER YARD SITE

9(b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 15, 1993
(TC-CAP(F))

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. Pavelka
Chief Administrative Officer

SUBJECT: Proposed GO Transit Victoria Avenue Layover Yard
- Staff Report

RECOMMENDATIONS:

1. That the City support the recommendations of the Advisory Committee on GO Transit, as contained in their report dated July 7, 1993;

2. That the City advise GO Transit and the Ministry of the Environment that:

   i) A full assessment of all alternative sites for the proposed layover yard for the Hamilton GO Transit Centre be undertaken; and,

   ii) The City remains otherwise committed to the expansion of GO Transit service to Hamilton.

3. That the Minister of the Environment, GO Transit, and each area MPP be provided with a copy of this report.

J. Pavelka
Chief Administrative Officer

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The expansion of GO Transit service to Hamilton has been in the planning stages for some time. This expansion consists of the restoration and renovation of the Hunter Street train station. An intermodal train/bus terminal will be established at this location, to enable direct connections between GO Transit and local bus carriers. The number of GO Transit trains into and out of Hamilton each day will be gradually increased over time, as warranted by demand.

There will also be a need to store GO trains overnight in Hamilton, at a layover yard, to enable the start-up of service early in the day. The present practice of dead-heading trains into Hamilton each day is proposed to be discontinued, to provide considerable cost savings to GO Transit, and an improved level of service.

The proposed Victoria Avenue Layover Yard has been identified by GO Transit as the site for overnight train storage. This yard is located east of Victoria Avenue, south of Alanson Street, north of Charlton Avenue, and extends easterly almost to Wentworth Street, as shown on the attached map.

Concerns have been expressed about the impacts associated with a layover yard in this location. This report will outline the comments of the Planning and Development Department concerning the proposed yard, and the resulting actions which are recommended.

History

The November, 1989 Environmental Assessment Report regarding the expansion of GO service was prepared to determine the recommended route and property (ie. station, layover yard and related facilities) for the Hamilton service extension.

A Preliminary Design Report for the Hamilton GO Transit Centre was prepared, dated January, 1991, outlining plans for the restoration and renovation of the Hunter Street train station.

The Minister of the Environment's approval of the Environmental Assessment for the project was issued on April 23, 1992, subject to a number of conditions, of which the following were related to the layover yard:

1. GO Transit will consult with the local ratepayers and municipality for public input on the design and construction of the proposed Victoria Avenue storage yard;

2. A noise study, outlining specific mitigation measures, is to be submitted by GO Transit to the M.O.E. Noise Assessment group, prior to construction of the yard; and,

3. The storage yard will only be constructed and operated in accordance with the mitigation measures specified in the previous condition.

Layover Yard Analysis

1989 Environmental Assessment

The 1989 Environmental Assessment Report, which formed the basis for the Hamilton GO Train service expansion, included only a very limited evaluation of alternate sites for the train layover yard. The analysis focused on evaluating the two alternative routes which were available at the time, namely the C.N. and C.P. corridors in Hamilton. These two routes underwent a comprehensive cost-benefit analysis, which considered numerous factors such as transportation service, economic development, capital cost and social effects, including community intrusion and noise. The decision in favour of the C.P. route was not based on the suitability of stations and storage yards, since both routes were felt to be capable of accommodating stations and storage yards.

Several alternative layover yard sites for the C.P. corridor were noted in the 1989 E.A. Report. The primary concern was that the yard be located east of the Hunter Street Tunnel, to avoid restrictions on the capacity of the line. This consideration eliminated the possible use of the C.N. Aldershot yard and the C.P. Aberdeen Yard.

The possible yard locations east of the station, as noted in the 1989 E.A. Report, included:

- The area south of the C.P./T.H.&B. Station platform - which was once used for train storage, but is to be used for the bus terminal and parking area;
- The small yard near Forest Avenue - which could hold 3 train sets, but would require backing out of the yard and is therefore considered undesirable;
- The Victoria Avenue yard - located east of Victoria Ave., has capacity for 5 full train sets, but would require shifting of the C.N. Rail Hagersville subdivision at the site, and shifting of the C.P. main lines. The site is adjacent to an established residential area;
- The Kinnear Yard - which is between Wentworth Avenue and Gage Park on the C.P. line, and is capable of expansion for use by GO Transit, but is three kilometres from the C.P./T.H.&B. station, and is used extensively for C.P freight operations; and,
- The end-to-end stringing of GO Trains along one or two tracks in the main line corridor east of the station. This is not desirable due to maintenance, operations, and vandalism concerns.

The Victoria Avenue yard was selected from among these alternative locations on the basis that:

- It is capable of storing five or six GO Train sets;
- It is located east of the Hunter Street station;
- This site is closer to the station than the Kinnear Yard, which also meets the above two criteria;
- It can be readily reconstructed to allow storage; and,
- This site is preferred by both C.P. Rail and GO Transit.

As a result of this decision to use the Victoria Avenue yard, a feasibility plan for the storage of GO trains was developed for this site, using a set of design criteria.

The noise analysis of the Victoria Avenue yard carried out for the 1989 E.A. (see E.A. Volume 2, Appendix G) appears to have been limited, and to differ from the more recent noise analysis carried out for this site during 1992-1993. Existing noise levels were calculated based on traffic volumes for nearby roadways and rail lines, rather than using actual noise measurements. The "worst-case" noise analysis site was located on Webber Avenue, to the west of the yard, rather than on the

adjacent Alanson Street. The increase in noise levels was considered to be minimal, in the range of 3.5 decibels during the night, the time when the greatest increase occurred. No noise mitigation measures such as a noise wall were felt to be required, since mitigation measures would only normally be required for a noise increase of 5 decibels or more. On this basis, the noise impact on the area due to the GO Train expansion, in 1989, was not considered by GO Transit to be a significant issue.

1992/1993 Analysis of Site, Including Noise Study

Following the 1992 approval of the E.A., a more detailed review of the Victoria Avenue yard was undertaken by GO Transit. This analysis involved the development of the optimum track configuration for the yard and to locate the tracks for train storage as far as possible from the houses along Alanson Street. Numerous alternative designs were considered, and a preferred layout was developed, which includes 4 tracks for storing trains (reduced from 5 or 6); a noise barrier adjacent to the most northerly track; a buffer zone between the noise barrier and the residential property lines; relocation of the exiting C.P. mainline to the south of the site; and location of supporting services such as parking and a small maintenance building to the southwest corner of the site.

Subsequently, an Environmental Noise Impact Study was prepared for the site by a noise consultant. The purpose of this was to evaluate the potential noise generated by the proposed layover yard, it's impact on the nearby noise-sensitive land uses, and to recommend appropriate noise control measures. The existing noise levels at several points adjacent to the site were determined, by the use of noise measurements. Future sound levels in the vicinity were projected, assuming the use of a 6 metre (20 ft) high sound barrier.

The results of this study, which was released in May, 1993, are as follows:

a) Existing Noise Levels:
   - are dominated by train movements on the C.P. line; and,
   - include peak hourly noise of 71 dba (decibels, weighted).

b) Future Noise Levels:
   - primary sources of noise are train locomotives and coach air conditioning units;
   - trains begin to idle at 4:15 a.m., with all four trains idling from 5:15 to 6:00 a.m.;
   - significant sound level reductions of 13 or 14 db result from 6 metre sound barrier, for homes up to two storeys in height; and,
   - coaches closest to the neighbourhood will act as sound barriers for others.

c) Conclusions:
   - constructing a 6 metre (20 ft) high sound barrier will bring noise levels to within acceptable limits, based on criteria approved by M.O.E., M.T.O. and GO Transit in 1986.
   - relocation of the C.P. line to the south will reduce associated noise and vibration.

It is noted that the noise impact study, including the noise mitigation measures, must be approved by the Ministry of the Environment, prior to GO Transit proceeding with construction of the layover yard.

Municipal Involvement

The City of Hamilton had been involved during the early stages of the study, on an advisory basis to GO Transit, and through discussion at various technical committees. The Planning and Development Department became more actively involved during early 1992, following approval of the E.A., in anticipation of the submission of detailed plans by GO Transit.

A Technical Committee of municipal staff was established by the City, to address all matters related to GO Transit. This group includes representatives of various departments, co-ordinated by Joe Pavelka, C.A.O.

Public Participation and Comments

During the preparation of the 1989 E.A., there appears to have been little public participation which effectively raised the awareness of the public about the proposed Victoria Avenue yard. GO Transit states that "The alternative storage areas and concepts were reviewed by the public during all three rounds of public involvement in the study, and no concerns were voiced." (1989 E.A. Report, Volume 1, Pg. 134). GO Transit has also stated that letters were sent to all residents in the vicinity at this time concerning the matter, and no responses were received. However, many long-time residents of the area state that they do not recall having received any such communications, and that they would have voiced strong concerns at the time if they had.

Residents of the Stinson Neighbourhood, and the Stinson Community Association, have raised a number of concerns about the layover yard since they became aware of the proposal, in mid 1992. These include the following:

- 6 metre high noise wall would be a major intrusion in this low density neighbourhood;
- the use of average hourly noise measurements is felt to be misleading, since people hear peak noise, and the GO Trains would create a steady drone over a long period of time;
- there are three storey homes along Alanson St., with living space on the top floor, which would not be shielded by the 6 metre high noise wall; and,
- loss of Escarpment views; privacy; safety and security; lighting; and other impacts would result.

The Advisory Committee on GO Transit, including primarily citizen members, was established as a sub-committee of CAPIC (Central Area Plan Implementation Committee) in August, 1992, to address the GO Transit project. This Committee's report on the layover yard is also included in the agenda for this meeting.

Two public meetings were held regarding the proposed layover yard. On May 19, 1993, at Hamilton City Hall, comments were heard mainly from members of the Advisory Committee on GO Transit. A meeting was held on June 10, 1993 at Stinson Street School, which was attended by approximately 110 people. Many strong concerns were expressed about the layover yard and its impacts on the adjacent residential area, such as those noted above.

Analysis and Comments

There are a number of outstanding concerns regarding the layover yard, which have been raised by area residents and others during the study. It is timely to restate these now, since the noise study must still be accepted by the Ministry of the Environment. These include the following:

- Noise Impacts - The noise generated by the trains in the yard can be mitigated to some extent by the noise wall. However, the noise wall itself produces adverse impacts. Also, the timing, type and duration of noise produced by the trains may be unacceptable to residents in the area;
- Noise Wall - The 6 metre high noise wall is of such a height and length that it will have a major impact on quality of life in the neighbourhood;
- Views of the Escarpment - These views, which are a major benefit of living in this area, will be largely lost to the residents, due to the height of the noise wall;
- Shadows - The shadows cast on the houses and their yards by the wall will presumably be significant, due to the southern exposure. No shadow-casting analysis has been done;
- Yard Size Inadequate - Due to the need to provide a buffer for distance separation, the Victoria Ave. yard provides storage space for only four train sets, rather than the five or six trains identified as necessary by the 1989 E.A. report;
- Storage Yard In Hamilton - It was hoped that the GO Transit service would bring people into Hamilton, to work, shop and access other attractors here. However, with the storage yard for all trains located in Hamilton in the morning, it appears that the focus has shifted more to taking people out of Hamilton;
- Incompatibility with Residential Area - The storage yard does not fit well with the adjacent residential area, in terms of land use planning, noise and intrusion. In fact, with current regulations, a new residential area could not be built next to such a rail line and yard; and,
- Neighbourhood Character - The storage yard would have a serious impact on the Stinson Neighbourhood, an area which has recently fought a number of battles against crime and other issues, and is trying to build on its heritage character.

Alternative Layover Yard Sites

It is understood that the location of the storage yard to the east of the Hunter St. GO Station is considered important, in order to reduce the number of trains routed through the Hunter S. Tunnel, which is a bottleneck. However, usage of the GO Transit service is anticipated to grow gradually over the next few years, as service is expanded. The present level of service, namely three trains per day in the morning and evening, will likely continue for some time. Therefore, there is time to consider alternatives to the proposed layover yard, prior to it becoming a constraint on GO service.

There are several alternatives to the proposed Victoria Avenue layover yard. They including continuing the present practice of storing trains at the Willowbrook Yard in the Toronto area, and deadheading them from there (ie. bringing them in empty) to Hamilton. This has been stated by GO Transit to be expensive, costing in the order of $1.5 M per year. However, as was noted, it is hoped that the expanded GO Transit service will bring people into Hamilton as much as it will take them out of Hamilton, so it may be unnecessary to have all trains starting from Hamilton in the morning. The existing Willowbrook site may be an appropriate location for overnight storage of some of the trains, with others being stored at suitable sites.

Alternative layover yards within Hamilton were identified in the 1989 Environmental Assessment Report. Some of these are considered to merit further consideration, since they do not generate the adverse impacts that are associated with the Victoria Avenue yard. These include:

- The Kinnear Yard - This is located between Wentworth Avenue and Gage Park on the C.P. line. It is east of the station, and would have sufficient room to meet the needs of GO Transit for the layover yard, although it is used extensively for C.P freight operations. Portions of it are located further away from existing low density residential development than the Victoria Ave. yard, especially the portion immediately west of Gage Avenue, which is located to the rear of a largely vacant, former industrial site. There may also be portions to the east of Gage Avenue, adjacent to Gage Park, which are suitable for such a use;

- The area between Walnut Street and Young Street - This area just east of the station, along the GO / C.P. corridor, has been suggested as a possible layover yard location. This site is surrounded by residential and park uses, but there appears to be a greater distance separation from the homes than for the Victoria Avenue yard;

- The Aberdeen Avenue Yard - This yard is south of Aberdeen Avenue at Longwood Road. It is located in an industrial area, away from residential areas. It was eliminated from consideration early in the process, due to its location to the west of the Hunter Street Tunnel. However, due to the small number of GO trains which are anticipated in this corridor for the foreseeable future, this site may offer potential, at least in the short term.

There may be other appropriate sites for a layover yard, both within Hamilton and outside of it, such as the Aldershot Station in Burlington. It would seem most appropriate to locate the yard away from the urban area, where it will have minimal impacts on residential areas. There do not appear to be many, if any, precedents for GO train layover yards located as close to residential areas as the proposed Victoria Avenue yard would be.

An extensive review of the suitability of these sites is required, in order to properly evaluate their merits. Perhaps criteria used to evaluate such sites should be clearly stated, to ensure that impacts on residential areas and quality of life are given as much consideration as the operational requirements of GO Transit and C.P. Rail.

Noise Assessment Procedures

There appear to be a number of concerns regarding the noise assessment which was done for the layover yard, which raise further questions regarding the proposed yard. The methodology for noise assessment for such sites has changed over the last few years, and in fact different approaches exist. These concerns may be summarized as follows:

- There are different methods for evaluating stationary and moving noise sources. The former has stricter standards than the latter. It is felt by some that the yard should be evaluated as a stationary noise source, since the trains are idling in place for hours in the early morning, but it was assessed as a moving noise source. The yard creates a qualitative change in noise;

- The approach which was used at the time of the original 1989 E.A., on the basis of which this site was first evaluated and approved by the M.O.E., would not be used today;

- The layover yard would not meet the C.P.'s current requirements for new residential development in the vicinity of rail lines. These include a minimum 4.0 metre berm and noise attenuation fence along the property line; a minimum setback for residential uses of 15.0 metres from the railway property line; noise vibration analysis for the area within 75 metres of the line; and warning clauses on title for property within 300 metres.

CONCLUSIONS:

There are numerous concerns about the proposed Victoria Avenue layover yard, as have been noted in the preceding comments. These may be briefly summarized as follows:

- The proposed layover yard will have serious impacts on the adjacent residential area which must be addressed, including the impact of a 6 metre (20 ft.) high noise wall; the impact on Escarpment views and neighbourhood character; and the type and timing of the train noise;

- The studies which were carried out regarding this yard have been questioned. The original 1989 E.A. did not include a thorough evaluation of alternate sites, and made no reference to a noise wall. There are a number of noise analysis approaches available, including different ones for stationary and moving noise sources;

- There appear to be other sites which merit consideration for the yard, which would have fewer adverse impacts than those associated with this site. These alternatives should be evaluated further, to develop the best possible location for the yard; and,

- It seems inappropriate to permit the yard so close to a residential area, given that the railways requirements for facilities would prohibit residential development adjacent to such a yard.

The recommendations of the Advisory Committee on GO Transit regarding the Victoria Avenue yard, contained in the report dated July 7, 1993, are supported by Planning and Development Department staff, and are compatible with the present analysis and report. These are as follows:

- That the Minister of the Environment direct GO Transit to undertake a full environmental assessment of all alternative sites for the proposed layover yard;

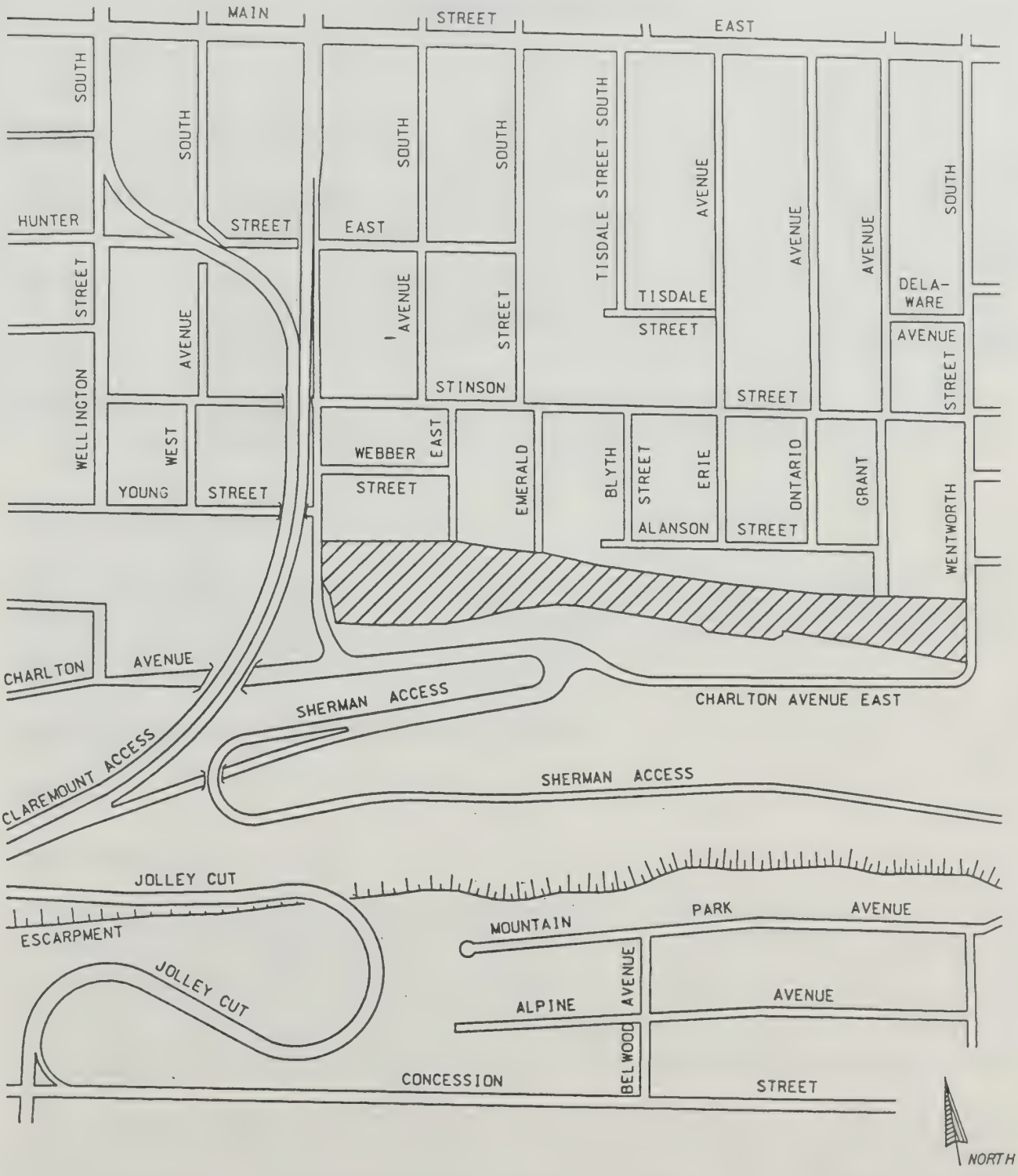
- That GO Transit be requested to seek authorization from the M.O.E. to undertake a full environmental assessment of all alternative sites for the layover yard; and,

- That the decision regarding the Victoria Avenue yard be held in abeyance until this full assessment of all alternatives and impacts is complete.

In addition, it is recommended that the City advise GO Transit and the Ministry of the Environment:

- That the City remains otherwise committed to the expansion of GO Transit service to Hamilton.

vg
GO-JULY.P&D



PROPOSED GO TRANSIT LAYOVER YARD SITE

10(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 July 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED
JUL 12 1993
CITY CLERKS

FROM: Charlene J. Touzel, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: **712 Main Street East - Heritage Permit Application for Proposed Addition to Hamilton Regional Indian Centre**

RECOMMENDATION:

That, in accordance with the provisions Section 42 of the Ontario Heritage Act, 1989 a Heritage Permit be approved for the proposed addition to the Hamilton Regional Indian Centre at 712 Main Street East (a designated building in the St. Clair Heritage Conservation District), for the east, south and north elevations.

C. Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

712 Main Street East was purchased by the Hamilton Regional Indian Centre in 1991 April. In 1993 January, the Centre received a site-specific grant of $450,000 from Jobs Ontario to renovate and substantially enlarge the existing building. The building program for the new addition calls for several small offices/counselling rooms, a kitchen and lunchroom/lounge, two classrooms (for native language and craft classrooms) and washrooms. Full access for the disabled is to be provided on the ground floor of the existing building and new addition.

The building is located in the St. Clair Heritage Conservation District; any alterations or additions therefore require Council approval through the heritage permit process. The Ontario Heritage Act does **not** regulate the **use** of buildings within a heritage conservation district; it does, however, provide some degree of architectural control over alterations, demolition and new construction. In this case, the physical form of the new addition (i.e. materials, massing, roofline, setback, fenestration, entrances, architectural details, etc.) must be approved by Council.

Provincial approval for the proposed addition to 712 Main Street East was given without consultation with the Hamilton LACAC or Local Planning Branch in regards to the designated status of the property.

The building is located in an "H" (Commercial) Zoning District. Under the Zoning By-law requirements for this District, the addition could be built to a maximum height of four storeys (provided that specified floor area, side and rear yard requirements were met). The proposed addition, which is to be the same height as the existing building (2 1/2 storeys) will need a reduction of the rear yard requirement from 14 to 10 feet through an application to the Committee of Adjustment for a minor variance.

The Heritage Permit process begins with the formal submission to LACAC. To date, Heritage Planning staff and the Research Sub-Committee have met with several members of the St. Clair Heritage District Advisory Committee, representatives of the Indian Centre, the Project Manager, and the Project Architect on numerous occasions to discuss the proposal and resolve the basic design issues.

c.c. Victor Abraham, Director of Local Planning
Len King, Building Commissioner
Patrice Noé-Johnson, City Solicitor
Nina Chapple, Planning Department

10c(b

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 July 12

RECEIVED

JUL 1 2 1993

CITY CLERKS

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Front Yard Parking Regulations - Review Requested for Designated Residential Properties and Older Neighbourhoods in Hamilton

RECOMMENDATION:

That the Planning and Development Committee investigate alternatives to front yard parking for Designated residential areas and older neighbourhoods in the City of Hamilton.

C. Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1993 July 12 received a delegation of citizens expressing concern that the owner of a designated building in their neighbourhood was given approval from the City to undertake a front yard parking project.

The Local Architectural Conservation Advisory Committee is requesting that consideration be given to adopt a policy to discourage front yard parking for designated heritage buildings and districts. In this case, the Traffic Department could flag applications for designated properties and request comments from LACAC before the application is approved.

The Committee's major concerns respecting the existing parking regulations are that front yard parking is allowed not only in designated residential areas but in all of the older neighbourhoods of the City; and, the major impact that it can have on the appearance of a streetscape. In this respect, an investigation into alternatives to front yard parking in these areas is warranted.

cc Victor Abraham, Director of Local Planning
Murray Main, Director of Traffic Services
Nina Chapple, Planning Department

CITY OF HAMILTON

- RECOMMENDATION -

11.

DATE: 1993 July 13
DA-93-14 (DA-91-35)
Central Neighbourhood

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

RECEIVED
JUL 13 1993
CITY CLERKS

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Site Plan Control Application DA-93-14 to amend approved plans of DA-91-35 for a parking lot, on lands at 18-24 James Street South to include a temporary access from James Street South.

RECOMMENDATION:

That Site Plan Control Application DA-93-14 by Grindstone Properties Ltd., lessee, of lands at 18-24 James Street South, to amend approved plan of DA-91-35 for a parking lot, to include a temporary access driveway from James Street South be DENIED for the following reasons:

i) the introduction of an access driveway from James Street South would be out of character with the Gore Park precinct; and,

ii) the interruption of a pedestrian walkway by motorized vehicles is undesirable in the downtown core where alternate access is readily available.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND:

Plans have been submitted to amend approved plans of DA-91-35 for an existing parking lot on lands at 18-24 James Street South to include a temporary access driveway from James Street South.

The driveway will be signed as an "Entrance Only". An entrance/exit exists on MacNab Street with availability to north and south bound traffic.

The temporary access to James Street South is intended on being removed when redevelopment of the land occurs.

COMMENTS RECEIVED:

The Hamilton-Wentworth Roads Department has advised that the grading plan is approved. Also, based on the attached letter of May 18, 1993 from the Traffic Department, the Roads Department has no comments assuming traffic signs are in place on site indicating access from James Street South is "in" only.

The Building Department has no comment.

The Traffic Department has in their attached letter advised that the temporary access will operate one-way inbound with "Do Not Enter" signs installed within the site. The applicant must apply for a Driveway Approach Approval through the Traffic Department. It was further noted that "approval by this Department is based on a temporary approach ramp which will provide better utilization of the site in its present use as a surface parking lot, thereby enhancing business activity in the downtown area".

The Hamilton Street Railway Company has indicated that there is "a bus stop located south of the proposed driveway entrance. A bus stopped at this location would encroach into the driveway approach by about 0.5 to 1.0 metres. There may be very occasional times, however, when there would be two buses at the stop or an articulated (i.e. 60 foot) bus would block the entrance. From an operational point-of-view, we would like to see this entrance as a "free-flow" entrance so that cars would not queue back onto the street, blocking southbound bus movement. I believe you indicated that you do intend to have this as a free-flow entrance or that you would provide internal storage space for cars stopping.

If you can accommodate the subject concerns, we would have no objections to the proposed driveway."

The Central Area Plan Implementation Committee (CAPIC) has advised "that the Site Plan Control Application for 18-24 James Street South, respecting the request for an access driveway to James Street South, be rejected by City Council".

The Urban Design Committee has indicated that "bearing in mind the pedestrian traffic in this area, that this application be refused".

The Local Architectural Conservation Advisory Committee (LACAC) has advised that they do not support the access to James Street South because of the vehicular conflict with the pedestrian traffic and bus stops. The pedestrian character of the Gore Park area and the streetscape of the Gore is of paramount importance to the City.

COMMENT:

The new temporary access to James Street South has been proposed to encourage maximum use of the existing parking facility which is presently restricted to access from MacNab Street only.

The applicant has emphasized that the "entrance only" access to the parking area is a temporary situation until redevelopment of the site occurs. The applicant has further verbally stated that should the proposed access be determined by the Director of Local Planning and the Director of Traffic Services to be a problem, the driveway would be removed. Should the Committee consider approval of the temporary driveway, this condition of approval would be recommended.

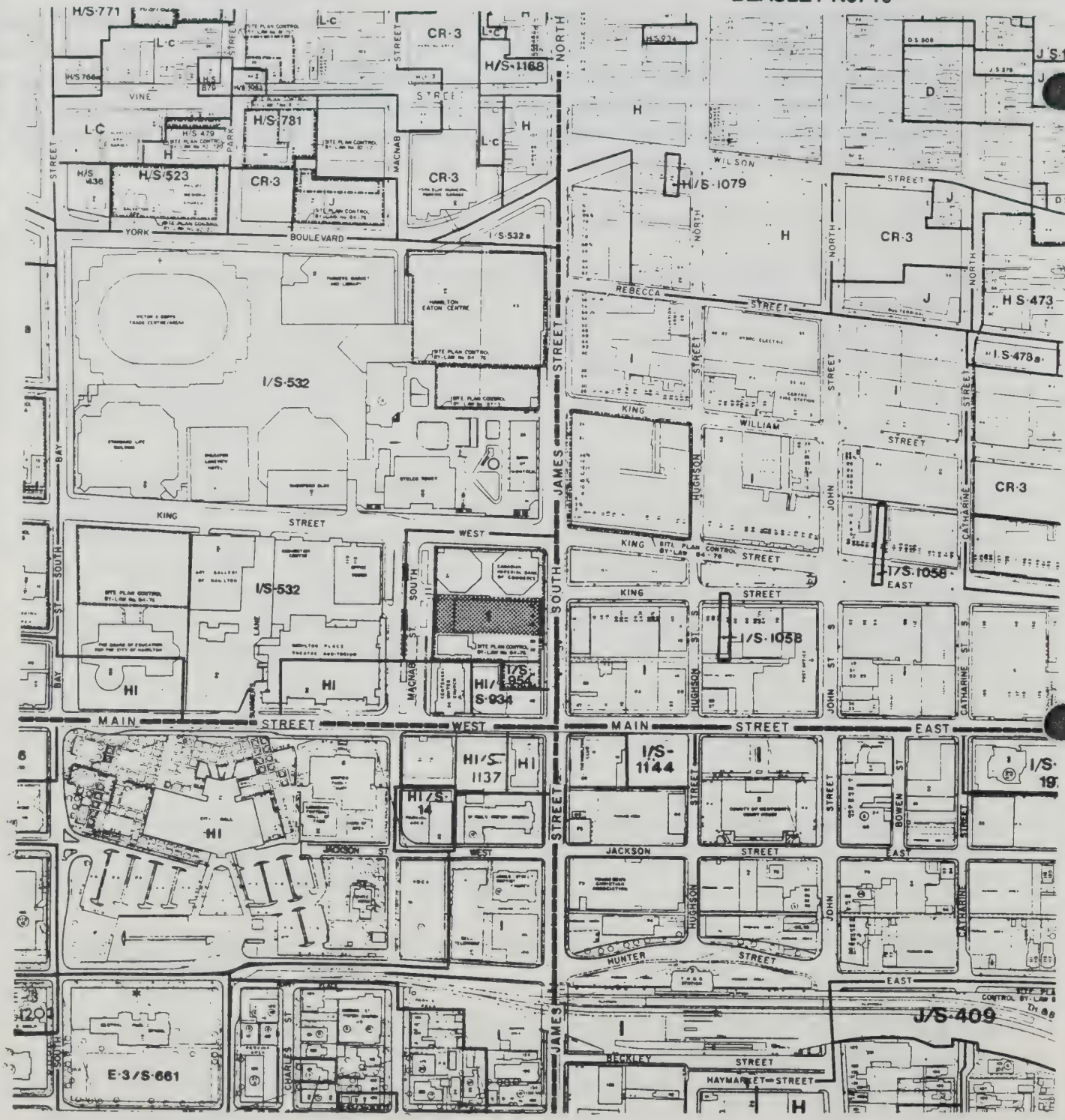
As noted by the Roads, Traffic and HSR, technically the proposed access can be accommodated. However, comments from CAPIC, LACAC and Urban Design Committee are opposed to the introduction of this vehicular conflict with the pedestrian movement. It has also been noted that the character of the Gore Park area and the streetscape would be adversely affected by the introduction of even a temporary vehicular access driveway. The introduction of this temporary access may also set a precedence for other similar applications in the Gore Park area.

For these reasons, the proposed driveway access to James Street South cannot be supported.

JPS/ma

CENTRAL No. 21

BEASLEY No. 10



DURAND No. 41

CORKTOWN No. 31

City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-91-35 DA-93-14

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	1:5000	DA-91-35 DA-93-14
	Date	Drawn By
	APRIL, 1991	L.B.

TRAFFIC DEPARTMENT
City of HAMILTON
71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (416) 546-4510 / Fax (416) 546-2419

JUL 05

1993 June 23

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: DA-93-14
Temporary Parking Lot at 18-24 James Street South

In response to your letter of 1993 June 08, please be advised that we have reviewed this application and provide the following comment.

The temporary access from James Street South will operate one-way inbound to the parking lot. Two signs stating "Do Not Enter" must be installed at the access, as shown on the attachment. The plan indicates that the access to James Street South will be a street type entrance. The applicant should be advised that a standard apron approach will be used.

We would emphasize that approval by this Department is based on a temporary approach ramp, which will provide better utilization of the site in its present use as a surface parking lot, thereby enhancing business activity in the downtown area.

The applicant should be advised that an application must be made to the Traffic Department for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. Four copies of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees, etc.

Yours truly,

Murray R. Main, P.Eng.
Director of Traffic Services

RK/ES/ks
Attach.

TRAFFIC DEPARTMENT
City of HAMILTON
71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (416) 546-4510 / Fax (416) 546-2419

1993 May 18

Grindstone Properties Ltd.
P.O. Box 120
Waterdown, Ontario
L0R 2H0

Attention: Mr. Greg Fraleigh

Dear Sir:

Re: Vehicle Access Ramp to the Property at
no. 18-24 James Street South, in the City of Hamilton

We have once again reviewed the possibility of constructing a temporary driveway approach to the subject property, which would operate one-way from James Street South. You will recall that this Department previously issued a driveway approval, but that in order to expedite the opening of the lot, you withdrew your application at that time. It is also apparent that the Hamilton Street Railway Company has given their approval to this temporary access, provided that movement of vehicles onto the site is "free flow", such that there is no likelihood of vehicles backing up across the sidewalk and onto James Street South.

We have also discussed this matter with Mr. Ted Gill, Senior Director, Roads Department of the Region of Hamilton-Wentworth, and he has advised that he concurs with the temporary construction of a vehicle approach ramp at this location.

We would emphasize that the approval by this Department is based on a temporary approach ramp, which will provide better utilization of the site in its present use as a surface parking lot, thereby enhancing business activity in the downtown area.

Since the site plan control is still in effect, my approval is subject to this proposal being approved by the Planning and Development Committee of the City of Hamilton.

Yours truly,

Murray F. Main, P. Eng.
Director of Traffic Services

MFM/jd

cc: E.M. Gill, Senior Director, Roads Department

12(a)

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED
JUN 29 1993
CITY CLERKS

DATE: June 28, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Tiger Cat Rental Outlet, Lloyd D. Jackson Square
100 King Street West (93.2.4.2.1.A, Sections H-145/H-146)

RECOMMENDATION:

That the City Solicitor be directed to amend By-law #85-86 to exempt the Hamilton Tiger Cats from payment of $150 in building permit fees.

L.C. King, P.Eng.
LCK/PCL/dm
Encl.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

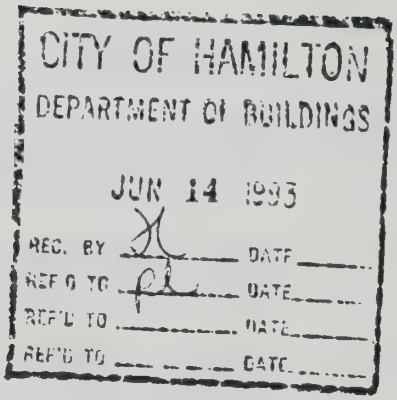
Building permit fee of $150 will not be collected.

BACKGROUND:

In May of 1992, application for a building permit was submitted for alterations to an existing tenant space in Lloyd D. Jackson Square for the Hamilton Tiger Cat Club.

On June 14, 1993, the attached letter was submitted requesting relief from the building permit fee of $150.

John A. MacDonald
222 Jackson Street West
Suite #1006
Hamilton, Ontario
L8P 4S5



Mr Peter Lampman
Deputy Building Commissioner
Corporation of the City of Hamilton
Hamilton, Ontario

Dear Sir:

I am writing to seek relief from the fee for a building permit for work recently done in Jackson Square.

As I am sure you know, this work was accomplished without expenditure. It was of course done by qualified trades people and in accordance with all building and fire regulations. The owners of Jackson Square have generously provided the needed space, local suppliers have donated all of the material, and the work was done by members of various local building trade unions.

All of this was done in the spirit of support for the ongoing drive to maintain the local football tradition.

I hope that those responsible will join in that spirit by waiving any fee in all of the circumstances.

Yours truly

John A. MacDonald

JM/jm

CITY OF HAMILTON

- RECOMMENDATION -

12c6

DATE: July 12, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

RECEIVED
JUL 13 1993
CITY CLERKS

SUBJECT: Refund Policy for Administrative Fee of Zoning Verification and Property Reports

RECOMMENDATION:

That the Building Commissioner be authorized and directed to refund the following administrative fees:

Type of Zoning Verification/Property Report	Percentage of Refund
■ 48-hour express service	100 per cent if the certificate of zoning verification/property report is not issued within **48 hours** (refund $120)
■ normal service	50 per cent if the certificate of zoning verification/ property report is not issued within **10 working days** (refund $40)

L.C. King, P.Eng.
WKW/LCK/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

At the present time, the public can obtain a Certificate of Zoning Verification/ Property Report through either 48-hour express service or by normal service (about 10 working days). The "**48-hour express service**" was implemented in October 1992. Our records indicate the Zoning Verification/Property Reports issued by express service accounted for 10% of the total reports issued. All our Zoning Verification/Property Reports have been issued within the time frame. We are proud of our record and services offered to the public.

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This Department, over the last few years, has taken a major shift in direction. The Department's prime mandate is to serve the public rather than simply enforce the regulations. Our mission statement is to provide the most efficient and courteous service to our customers possible. Staff fully understand this goal and have been working very hard striving for this. The introduction of the 48-hour express service last year is one example of this Department's effort to try to offer quality customer service to the public. The Real Estate Subcommittee of the Hamilton Law Association has expressed their appreciation to our Department for providing such fast-track service to meet their needs.

Should the Committee and Council approve our recommendation for a "**customer refund policy**", this Department will advertise the policy and keep the public aware of our commitment, that is to deliver our service on time as promised, otherwise the fee will be refunded. The idea of a "**customer refund policy**" has been widely used in private industries, such as banking institutions, retail stores, restaurants etc.. For example, you go to a fast food restaurant, after you order the food, if they don't deliver the food within the time they promised, you don't have to pay. Another example is the "one-hour photo service", if you do not receive the photos within one hour, you don't have to pay. We believe the public sector should be operated in the same manner as the private sector. Satisfied customers are the best advertisement for the Department and the City.

In conclusion, based on our track record, we are confident that we can deliver our services to the public within the required time frame. The "**customer refund policy**" will be in place to show our commitment to customer service.

14.

Federation of Canadian Municipalities
Fédération canadienne des municipalités

June 7, 1993

Memorandum To FCM Municipal, Associate and Affiliate Members

REQUEST FOR RESOLUTIONS FOR CONSIDERATION AT THE SEPTEMBER 1993 MEETING OF FCM NATIONAL BOARD OF DIRECTORS

Le maire Margaret Delisle
Sillery (Québec)
Présidente
President

Alderman Ron Hayter
Edmonton, Alberta
First Vice President
Premier vice-président

Mayor Audrey Moore
Castlegar, British Columbia
Second Vice President
Deuxième vice-présidente

Mayor Moira Ducharme
Halifax, Nova Scotia
Third Vice President
Troisième vice-présidente

Councillor Doreen Quirk
Markham, Ontario
Past President
Présidente sortante

James W. Knight
Executive Director
Directeur général

The Federation of Canadian Municipalities' Standing Committee on Policies and Resolutions and the National Board of Directors invite the submission of resolutions on **subjects of national municipal interest** for debate at the **September 1993** meeting of FCM's National Board of Directors.

FCM will take a stand only on issues which are clearly of **national municipal interest** and which fall within the jurisdiction of the federal government, the provincial and territorial governments acting at the interprovincial level, or FCM itself. Indirect municipal issues and local/regional issues will not be supported by major research and lobbying activity, unless otherwise directed by the Annual Conference or by FCM's National Board of Directors.

Resolutions meeting the enclosed guidelines and received by **August 25, 1993** will be submitted to FCM's National Board of Directors **at its meeting September 8 - 11 in Fredericton, New Brunswick.**

The Standing Committee on Policies and Resolutions and the National Board of Directors appreciates the cooperation of all members in adhering to the enclosed procedures when preparing their resolutions for submission.

We look forward to hearing from you.

Viviane Swann
Resolutions Policy Analyst

Enclosures

24, rue Clarence Street, Ottawa, Ontario K1N 5P3
Telephone/Téléphone : (613) 237-5221 · Fax/Télécopieur : (613) 237-2965
International Office/Bureau international :
Telephone/Téléphone : (613) 563-3506 · Fax/Télécopieur : (613) 563-2051 · Telex : 760-1259

Federation of Canadian Municipalities
Fédération canadienne des municipalités

GUIDELINES FOR PRESENTATION OF RESOLUTIONS TO THE FEDERATION OF CANADIAN MUNICIPALITIES

It is by way of resolutions that Municipal, Affiliate and Associate Members bring their concerns to FCM for consideration at the Annual Conference, held in June of each year, or at meetings of the National Board of Directors, held in September, December and March.

Resolutions may be submitted by any municipality or provincial/territorial municipal association which is a member in good standing of the Federation of Canadian Municipalities.

All resolutions endorsed at the Annual Conference or at the National Board of Directors and which require action from the Government of Canada, shall be submitted to the appropriate minister, department or agency for response.

It is therefore important that resolutions be carefully worded so that FCM is directed to take the appropriate action and that the proper message is conveyed.

CONSTRUCTION OF RESOLUTIONS

All members are urged to observe the following guidelines when preparing resolutions for submission to FCM:

a) **FCM will take a stand only on issues which are clearly of national municipal interest and which** fall within the jurisdiction of the federal government, the provincial and territorial governments acting at the interprovincial level, or FCM itself. Indirect municipal issues and local/regional issues will not be supported by major research and lobbying activity, unless otherwise directed by the Annual Conference or by FCM National Board of Directors.

b) **The descriptive clauses** (WHEREAS...) should clearly and briefly set out the reasons for the resolution. If the sponsor believes that the rationale cannot be explained in a few preliminary clauses, the problem should be more fully stated in supporting documentation.

c) **The operative clause** (BE IT RESOLVED...) must clearly set out its intent stating a specific proposal for any action which the sponsor wishes FCM to take. **(i.e. BE IT RESOLVED that FCM urge/endorse/petition...)** The wording should be clear and brief. Generalization should be avoided.

d) **Background information** such as Council reports should be submitted with the resolution. When a resolution is not self explanatory and when adequate information is not received, FCM staff may return the resolution to the sponsor with a request for additional information or clarification.

e) **Proof of endorsement** by the sponsoring council must accompany the resolution.

CATEGORIZATION OF RESOLUTIONS

The Standing Committee on Policies and Resolutions will review the resolutions received and categorize them as follows:

Category A:	National municipal issues
Category B:	Local/regional municipal issues
Category C:	Issues not within municipal jurisdiction
Category D[1]:	Matters dealt with by FCM in the previous three years and that are in accordance with FCM policy
Category D[2]:	Matters dealt with by FCM in the previous three years and that are NOT in accordance with FCM policy

SUPPLEMENTARY INFORMATION

The Standing Committee on Policies and Resolutions is responsible for receiving and taking action on all resolutions in accordance with the above stated guidelines.

Resolutions which fall within the mandate of an FCM Standing Committee or Task Force will be reviewed by same for the purpose of presenting recommendations to the National Board of Directors or the Annual Conference. Standing Committees and Task Forces are responsible for ensuring that resolutions are compatible with existing policy statements and approved resolutions.

THE DEADLINE FOR SUBMISSION OF RESOLUTIONS TO FCM'S NATIONAL BOARD OF DIRECTORS AT ITS NEXT MEETING IN SEPTEMBER IS AUGUST 25, 1993

The Standing Committee on Policies and Resolutions stresses that resolutions received after the deadline cannot be processed in time for inclusion in the Board Book and will be held for action by the National Board of Directors at its next meeting in December 1993.

For more information please call Viviane Swann - Resolutions Policy Analyst, or Michael Roche - Director of Policy and Programs, at the FCM office Tel: (613) 237-5221, Fax: (613) 237-2965.

14(a)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: July 16, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Residential Rehabilitation Assistance Programme (93.2.4.2.1.A)

RECOMMENDATION:

That City Council endorse and forward to the Federation of Canadian Municipalities' (FCM) Standing Committee on Policies and Resolution the following resolution regarding the Federal Government's Residential Rehabilitation Assistance Programme (RRAP):

WHEREAS the Federal Government has announced the termination of funding for the Residential Rehabilitation Assistance Programme at the end of 1993;

AND WHEREAS this Programme is providing vital assistance to the owner/ occupant with limited income to maintain their home in areas of life and safety items;

AND WHEREAS RRAP encourages homeowners to remain in their homes thus maintaining their dignity and easing the demand for subsidized housing which is often in short supply;

AND WHEREAS this is the only National Rehabilitation Programme available to Canadians.

BE IT RESOLVED that FCM supports the continuation of the Federal Government's Residential Rehabilitation Assistance Programme and that representation should be made to the Minister responsible for Canada Mortgage and Housing Corporation in order to outline the importance, both economically and socially of the Federally funded programme.

L.C.KING, P.Eng.
LCK/JHR/dc
Encl.

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FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Attached is a copy of a letter sent by the Mayor to the Honourable Elmer MacKay.

ROBERT M. MORROW
MAYOR

Hamilton

APPENDIX "A"

1993 June 28

The Honourable Elmer MacKay
Minister Responsible for
Canada Mortgage and Housing Corporation
Room 507
Confederation Building
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Honourable Minister:

Re: Residential Rehabilitation Assistance Programme

As Mayor of the City of Hamilton, I would like to respond to your letter of June 10, 1993 regarding the future of the Federal Government's social housing programmes and specifically the Residential Rehabilitation Assistance Programme.

The City of Hamilton has been delivering this highly successful and popular programme for 19 years. During this time we have been able to provide vital rehabilitation assistance to over 2000 homeowners at a gross cost in excess of eight million dollars. This assistance has helped the City preserve one of its most important assets, it's existing housing stock. The direct benefits to homeowners can also not be over emphasized as the assistance has often meant the difference between the owner staying in their home or being forced to seek alternative housing arrangements in the private or public rental market. The Programme has also provided the homeowner with the much needed assistance in evaluating the need for work as well as guidance in obtaining viable estimates and resolving conflicts with contractors. The rehabilitation dollars provided by the Federal Government has also contributed significantly to the local economy by providing jobs not only in the building industry, but also for building suppliers. The Programme has also helped promote the still, not yet fully developed, rehabilitation industry in the City of Hamilton. The administrative cost of delivering this Programme is minimal with the bulk of the available dollars going directly into the physical rehabilitation of the housing stock.

The City of Hamilton appreciates the efforts of CMHC to reduce its social housing costs as every level of government must attempt to maximize the limited available dollars. It should be noted however that the dollars committed to the Residential Rehabilitation Assistance Programme does

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City Hall
71 Main Street West, Hamilton, Ontario, Canada L8N 3T4
Telephone : (416) 546-2790
546-2448 (TDD Only)

not represent an ongoing 35 year funding commitment as the capital is funded in the current year. It is for this reason the funding commitments should be looked at differently than the other social housing programmes.

In your correspondence it is suggested "the savings thus achieved (through efficiencies) will be available for reinvestment in social housing, including maintaining the existing housing stock in good condition". While this does provide municipalities some hope for the future it is important that Federal commitments are available before the end of the year. If the Programme is "shut down" even on a temporary basis the essential support staff may no longer be available as Municipal budgets are so tight, staff can not be carried on hopes of new funding.

The City of Hamilton appreciates the information which you have provided and we sincerely hope that between now and the end of the year CMHC will be able to re-evaluate it's position. The importance of the Programme in today's economy can not be overstated and if the City of Hamilton will provide any information which might make your Programme review more complete please do not hesitate to contact us.

Yours truly,

Robert M. Morrow
Mayor

RMM/JHR/dc

c.c.: Peter Friedmann, Branch Manager, CMHC

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